

08.06.2022.
16.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 543 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Amdanga P. S. Case No.389 of 2021 dated 20.07.2021 under Sections 20(b)(ii)(C)/29 of the N. D. P. S. Act.

In the matter of : Pritish Basu & Anr.

... Petitioners.

Mr. Raju Mondal.

...for the Petitioners.

Mr. Sanjoy Bardhan,

Ms. Debjani Das Gupta.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

It is submitted on behalf petitioners that they are the conductor and helper of the bus wherefrom narcotic substance above commercial quantity was recovered. They did not have conscious possession of the aforesaid contraband.

Learned Advocate for the State opposes prayer for bail. He submits prayer for bail of the driver of the vehicle was rejected by a Co-ordinate Bench of this Court. He further submits that the petitioners had control and dominion over the vehicle from where the recovery was made.

We have considered the materials on record. Statements of witnesses and contemporaneous document viz., seizure list show narcotic substance above commercial quantity i.e. 245 kgs. of ganga was recovered from a bus over which petitioners and co-accused had control and dominion at the time when the seizure was effected. Prayer for bail of co-accused who was

driver of the bus has been rejected by a Co-ordinate Bench of this Court.

In view of the aforesaid facts and in the light of the statutory restrictions under Section 37 of the N. D. P. S. Act, we are of the opinion that this is not a fit case to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)