

09.06.2022
Sl. No.6
akd
[Rejected]

C. R. M. (NDPS) 549 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.06.2022 in connection with Kaliachak Police Station Case No. 837 of 2021 dated 12.08.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re: **Sandip Choudhary @ Chowdhury**

... .. Petitioner

Ms. Sangeeta Sengupta
Ms. Madhushri Dutta

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi

... .. for the State

It is contended on behalf of the petitioner he did not have conscious possession of the narcotic which was carried by the passengers in the vehicle which was driven by him. A mobile phone was only recovered from his possession.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner and co-accused persons were conjointly carrying 540 gms. of *Heroin* in a vehicle which was driven by the petitioner.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 540 gms. of *Heroin*, which is above commercial quantity from persons who were in a vehicle driven by the petitioner. The aforesaid materials prima facie disclose involvement of the petitioner in the alleged crime. Keeping in mind the aforesaid fact and the statutory presumptions under Sections 35/54 of the NDPS Act, we are not inclined to grant bail to the petitioner.

The application for bail is thus **rejected**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)