

06.07.2022
Sl. No.13
akd
[Rejected]

C. R. M. (NDPS) 743 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.06.2022 in connection with Kushmandi Police Station Case No. 76 of 2020 dated 23.08.2020 under Sections 21(c)/23(c) of the NDPS Act.

And

In Re: ***Mahesh Paswan @ Mahesh Pasma***

... .. Petitioner

Mr. Kaushik Choudhury

... .. for the petitioner

Mr. Saibal Mondal .. Id. Addl. Public Prosecutor

Mrs. Sujata Das

Mr. Goutam Dinda

... .. for the State

It is submitted on behalf of the petitioner that he had authorised co-accused viz. Sukhen Barman to use the vehicle. It is further submitted petitioner was not aware of transportation of narcotic in the said vehicle.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner along with co-accused entered into a conspiracy to transport narcotic substance above commercial quantity.

We have considered the materials on record. A large consignment of narcotic above commercial quantity was recovered from the vehicle of the petitioner. Whether the authorisation relied by the petitioner is a sham document to evade criminal liability requires to be assessed during trial. However, in the light of the incriminating materials on record, we are not inclined to grant bail to the petitioner.

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

Trial court is directed to expedite the trial and conclude the same at an early date.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

