

31.08.2022  
tkm/ct 28  
sl no. 4

**C.R.M. (NDPS) 961 of 2022**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kandi PS case no. 535/2021 dated 9.10.2021 under sections 21(c)/22(c)/29 of the NDPS Act

And

In Re : Nitin Sarkar @ Rocky

..... petitioner

Mr. Sekhar Kr. Basu, Sr. Adv

Mr. Abhijit Ganguly

Mr. S Datta

..... for the petitioner

Mr. M Sur

Mr. D Pramanick

..... for the State

It is submitted on behalf of the petitioner that no narcotic substance was recovered from his possession. It is further submitted that he is no way connected with the alleged transportation of narcotic substance in the 'Bolero' pick up vehicle.

This court had called upon the investigating agency to submit report with regard to the ownership of the 'Ford Figo' vehicle which was found present at the place of occurrence. Report is placed on record.

We have considered the materials on record. A 'Bolero' pick up vehicle bearing registration no. WB571/1891 loaded with 4900 bottles of phensedyl was parked at the side of road. A 'Ford Figo' car bearing registration no. WB06D/2455 came to the spot and was parked alongside. At that juncture, investigating agency raided the spot and recovered the narcotic substance from the 'Bolero' pick up car. Co-accuseds including one Kabir Sk were arrested from the spot. In the course of investigation, petitioner was arrested and from his residence the registration certificate of the 'Bolero'

pick up car standing in the name of one Molina Bibi was recovered. Investigation also revealed that Molina Bibi had issued a notarised power of attorney in favour of co-accused Kabir Sk who used the vehicle. Further investigation report shows the 'Ford Figo' vehicle was standing in the name of one Suchitra who had transferred the same through a finance company to one Hasibul. Hasibul had issued a delivery certificate in favour of the petitioner. These materials on record prima facie show control and dominion of the petitioner with regard to both the vehicles which were used for transportation of narcotic substance.

Keeping in mind the aforesaid materials on record, we are of the opinion this is not a fit case to grant bail to the petitioner.

Accordingly, prayer for bail is rejected.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**