

24.08.2022.
15.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 965 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.51 of 2020 arising out of Malda P.S. Case No.359 of 2020 dated 29.06.2020 under Section 21/29 of the NDPS Act and Sections 18(b)/27 of the Drugs and Cosmetic Act and charge sheet submitted under Sections 21(c)/29 of the NDPS Act and Section 18(b)/27 of the Drugs and Cosmetic Act.

In the matter of : Abdul Motaleb.

... Petitioner.

Ms. Jeenia Rudra.

...for the Petitioner.

Mr. Tanpandeb Nandy,
Mr. Antarikhya Basu.

...for the State.

Heard the learned Advocates appearing for the parties.

Petitioner is in custody for about 22 days. It is contended he is no way connected with the transportation of the narcotic substance in the pickup van bearing registration No.WB 65A 5579. He relies on a general power of attorney executed in favour of Jugnu Mahanta.

Learned Advocate for the State opposes the prayer for bail. He submits co-accused viz., Jugnu Mahanta was the driver of the vehicle and the petitioner is the owner of the said vehicle. They had acted in collusion to transport narcotic substance above commercial quantity.

We have considered the materials on record. Narcotic substance above commercial quantity i.e. 10,000 bottles of phensedyl were recovered from a pickup van bearing registration No.WB 65A 5579. The van was driven by co-

accused viz., Jugnu Mahanta. Petitioner is the owner of the vehicle.

In view of the aforesaid factual backdrop general power of attorney relied upon by the petitioner in favour of his own driver does not inspire confidence. .

Under such circumstances and in view of the statutory restrictions under Section 37 of the N. D. P. S. Act, we are not inclined to grant bail to the petitioner.

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

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)