

26.08.2022
cm/ct 28

C.R.M. (NDPS) No. 973 of 2022

sl. no. 3

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Balurghat P.S Case No. 294 of 2022** dated **27.04.2022** under Sections **21 (c)/22(c)/23(c)/25/27A/28/29** of the N.D.P.S. Act.

Rejected

And

In Re : Jiban Debnath @ Debanath

..... petitioner

Ms. Busra Khatoon

..... for the petitioner

Mr. Saryati Datta

..... for the State

Heard the learned advocates appearing for the parties.

Petitioner is in custody for 106 days. It is submitted no narcotic substance was recovered from his possession.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Statement of the owner of the vehicle bearing registration mark WB24R/7873 show petitioner was the driver of the vehicle. He was driving the vehicle which was used to transport narcotic substance above commercial quantity.

In view of the aforesaid incriminating materials and in the light 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 at this stage.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

