

28.09.2022

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rejected

C.R.M.(NDPS) No. 1104 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sankrail Police Station Case No. 700 of 2019 dated 26.08.2019 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re : Sasadhar Ghosh petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.

Mr. Kusal Kumar Mukherjee

....for the petitioner

Mr. Suman De

..... for the State

Learned Senior Counsel appearing for the petitioner submits he is in custody for over 200 days. It is also submitted that petitioner was not the owner of the vehicle at the time of occurrence.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner's vehicle was used to transport narcotic substance.

We have considered materials on record. Petitioner is the registered owner of the motor vehicle which was used for transporting narcotic substance. Whether he had sold the vehicle prior to the occurrence is a question of fact which may be probalised in the course of trial.

Keeping in mind the incriminating materials on record and the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)