

29.09.2022.

11. SL

Ct.No.28

as

(Rejected)

C.R.M. (NDPS) 1133 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NCB Crime No. 79/2021/NCB/KOL/2021 dated 25.11.2021 arising out of NDPS Case No. 134 of 2021 under Section 8(c) read with Section 21(c), 28 and 29 of the NDPS Act.

In the matter of : Biswajit Das.

... Petitioner.

Mr. Sanjay Mukherjee,
Mr. Dhananjay Nayak

...for the Petitioner.

Mr. A. Kumar Maiti (Mohanty),
Mr. Partha Chakraborty

....for the NCB

Petitioner is the driver of the vehicle which was used for transportation of narcotic substance. It is contended the petitioner did not have knowledge with regard to the contraband carried in the vehicle. He renews his prayer for bail.

Learned Advocate for the NCB opposes the prayer for bail. He submits date has been fixed for recording evidence of prosecution witnesses. Petitioner is the driver of the vehicle which was used to carry narcotic substance.

Under such circumstances and in the light of the statutory presumption under Sections 35/54 of the NDPS Act, we are of the opinion onus lies on the petitioner to rebut the aforesaid statutory presumption relating to culpable knowledge during trial.

Hence, we are not inclined to grant bail to the petitioner at this stage.

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

Trial court is requested to expedite the trial and conclude the same at an early date without granting any unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)