

29.09.2022.
04. SL
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1126 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.52 of 2021 arising out of Belgharia P.S. Case No.497 of 2021 dated 25.07.2021 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

In the matter of : Nasar Kumbhara.

... Petitioner.

Mr. Sekhar Kumar Basu, Sr. Adv.
Mr. Kusal Kumar Mukherjee,
Mr. Diptangshu Basu

...for the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Baishakhi Chatterjee

....for the State

Petitioner is in custody for 99 days. He submits he is no way connected with transportation of narcotic substance. He had executed a power of attorney in favour of one Jagat Ram Nag in respect of motor vehicle bearing no. OD 15B 8464 which was used for transportation of narcotic substance.

Learned Advocate of the State opposes the prayer for bail.

We have considered the materials on record.

Petitioner is the registered owner of the aforesaid vehicle which along with another vehicle was used to transport 118.58 kgs. of ganja. Materials collected during investigation disclose monetary transactions between the petitioner and the co-accused Ranjan Saha. Statement of witnesses corroborates such fact.

In view of the aforesaid incriminating materials on record, we are not inclined to give credence to the power of attorney relied upon by the petitioner.

Under such circumstances and in the light of the statutory restriction under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)