

29.09.2022.
20.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1142 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhagwanpur P.S. Case No.139/2022 dated 08.04.2022 under Sections 20(b)(ii)/(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

In the matter of : Bikadhar Patra

....Petitioner.

Mr. Sourav Chatterjee
Mr. Debangana Bhattacharjee
Ms. Swarnali Saha

...for the Petitioner.

Mr. Saibal Bapuli, Ld. APP
Mr. Arani Bhattacharyya

...for the State.

Heard the learned Advocates appearing for the parties.

Petitioner is in custody for about 175 days. He is the owner of the vehicle. He submits that he was not aware narcotic substance which being carried by the passengers in the vehicle.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Narcotic substance above commercial quantity was recovered from the vehicle which was driven by the petitioner.

In view of the statutory restrictions under Sections 35/54 of the NDPS Act, the onus is on the petitioner to rebut the presumption relating to culpable knowledge.

Under such circumstances and in the light of the statutory restrictions underf 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.)