

06.12.2022.
06.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1436 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Suti P.S. Case No.305 of 2022 dated 28.05.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

In the matter of : Susanta Barman.

... Petitioner.

Ms. Shabana Hasin.

...for the Petitioner.

Mr. Swapan Banerjee,
Mr. Suman De.

...for the State.

Petitioner is in custody for 191 days. It is contended no narcotic was recovered from his possession. Co-accused Amin Akhter @ Amim Aktar @ Boltu has been granted pre-arrest bail. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner was arrested from the spot. He is involved in trafficking narcotics.

We have considered the materials on record. Two vehicles were apprehended on the road. One of the vehicles was transporting narcotics. Petitioner was present in the other vehicle.

The aforesaid circumstances *prima facie* given an impression of prior consort and complicity of the petitioner in the transportation of narcotics. He does not stand on the same footing with co-accused viz., Amin Akhter @ Amim Aktar @ Boltu who was not found at the spot.

Under such circumstances and in view of statutory restrictions 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.)