

18.01.2023
Sl. No.4
akd
[Rejected]

C. R. M. (NDPS) 38 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.12.2022 in connection with NCB Crime No.10 of 2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re: ***Santosh Kumar Nayak @ Santosh Naik***
... .. Petitioner

Mr. Tarique Quasimuddin
Ms. Sanchita Chaudhuri
Mr. Sandipan Kundu
... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Baisakhi Chatterjee
... .. for the State

Mr. Arun Kumar Maity
Mr. Uttam Basak
... .. for the NCB

It is submitted on behalf of the petitioner that he is in custody for about 164 days. It is further submitted petitioner was unaware that the vehicle was used for transportation of narcotics.

Learned Advocate for the NCB opposes the prayer for bail.

We have considered the materials on record. Vehicle of the petitioner was used to transport narcotics above commercial quantity. There is a statutory presumption against the petitioner with regard to requisite knowledge in such transportation. It is for the petitioner to rebut the said presumption in course of trial. Under such circumstances, we are not inclined to grant bail to the petitioner.

The application for bail is thus **rejected**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

