

25.01.2023

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rejected

C.R.M. (NDPS) No. 110 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure arising out of Gaighata Police Station Case No. 84 of 2022 dated 25.01.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Soumen Adhikari petitioner

Mr. Pronojit Roy

... for the petitioner

Mr. Sudip Ghosh

Mr. A. K. Datta

Mr. B. Banerjee

... for the State

Learned Counsel for the petitioner submits he is in custody for one year. It is also submitted that he had no knowledge with regard to the narcotic substance which was transported in the vehicle. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

Petitioner was the driver of the vehicle. Statements of the witnesses and other attending circumstances show his involvement in the transportation of narcotics. Statutory presumption with regard to conscious possession requires to be rebutted during trial. 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.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

