

28.02.2023
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Ct. No. 29
CHC
REJECTED

C.R.M.(NDPS) 352 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhimpur Police Station Case No.277 of 2022 dated 13.07.2022 under Section 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Safiuddin Mondal

..... petitioner

Mr. Sumanta Das,
Ms. Mallika Manna

....for the petitioner

Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan

....for the State

Petitioner prays for bail on the ground of the period of detention being 200 days and that, there is hardly any material implicating the petitioner.

Learned advocate appearing for the State draws attention of the Court to the statement of an owner of a vehicle recorded under Section 164 of the Criminal Procedure Code. Such owner stated that, he exchanged his vehicle with another vehicle and that, his vehicle was used for the use of circulation of the

narcotics by the accused. Petitioner was a person involved in the exchange of vehicles.

Commercial quantity of narcotics was seized from the vehicle owned by the person recording the statement under Section 164 of the Criminal Procedure Code.

The statement recorded under Section 164 of the Criminal Procedure Code names the petitioner as one of the persons involved.

In such circumstances, constructive possession of the petitioner over the seized commercial quantity of narcotics cannot be overlooked.

In such circumstances, we are of the view that petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, we are unable to grant bail to the petitioner.

CRM (NDPS) 352 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)