

27.02.2023

37
Ct. No. 29
KAUSHIK
REJECTED

C.R.M. (NDPS) 357 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Baishnabnagar** Police Station Case No. **144** of **2022** dated 13.02.2022 under Section 27(a) of the Drugs and Cosmetics Act, 1940 and under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Pintu Sk. @ Pintu Seikh @ Bablu
..... petitioner

Mr. M. Hossain Chowdhury
Ms. M. Alam
....for the petitioner

Mr. Ranadeb Sengupta
....for the State

Petitioner renews the prayer for bail.

Prayer for bail of the petitioner was rejected on September 16, 2022 passed in CRM(NDPS) 1045 of 2022, inter alia, on the ground that the co-accused from whom commercial quantity of narcotic was seized was driving a motor cycle, which was owned by the petitioner.

Today, learned advocate appearing for the petitioner submits that, Bablu Sk. is the owner of the motor cycle concerned and such Bablu Sk. is the full brother of the petitioner.

Learned advocate appearing for the State submits that, the motor cycle stands in the name of Bablu Sk., the full brother of the petitioner. Bablu Sk. recorded his statement

under Section 161 of the Code of Criminal Procedure claiming that the petitioner took the motor cycle for the use on the particular day.

In view of the materials available in the case diary, the involvement of the petitioner in transporting narcotic substance above commercial quantity cannot be overlooked. The petitioner is, therefore, unable to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, we are unable to grant bail to the petitioner.

In such circumstances, prayer for bail of the petitioner is rejected and the application being CRM (NDPS) 357 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)