

17.03.2023
Sl. No.14
akd
[Rejected]

C. R. M. (NDPS) 407 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.03.2023 in connection with Pandabeswar Police Station Case No.154 of 2022 dated 07.12.2022 under Sections 21(c)/27A/29 of the NDPS Act. (NDPS Case No.32 of 2022)

And

In Re: ***Abdul Haque @ Pocha & Anr.***

... .. Petitioners

Mr. Aniket Mitra
Mr. S. K. Sharma
Mr. Debaditya Das

... .. for the petitioners

Mr. Sudip Ghosh
Mr. Apurba Kumar Datta
Mr. Bitasok Banerjee

... .. for the State

It is submitted on behalf of the petitioners that no recovery was made from their possession.

Learned Advocate for the State opposes the prayer for bail and submits 4 kgs. of *Morphine* and 328 gms. of *Heroin* were recovered from a vehicle. Petitioners were present in the vehicle. Investigation is in progress.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotics above commercial quantity from a vehicle. Petitioner no.1 is the owner of the vehicle. Both the petitioners were present in the vehicle. The aforesaid circumstances establish conscious possession of the petitioners with regard to narcotics. They have not been able to rebut the statutory presumption in law. Under such circumstances, we are not inclined to grant bail to the petitioners.

The application for bail is thus rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

