

22.03.2023

11
sdas
rejected

C.R.M. (NDPS) No. 455 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gazole Police Station Case No. 258 of 2022 dated 10.04.2022 under Sections 22(c)/23(c)/27A/29 of the NDPS Act.

And

In Re : Rajib Mandal @ Rajib Mondal petitioner

Mr. Kalidas Saha

... for the petitioner

Mr. Swapan Banerjee

Mr. Suman De

... for the State

Learned Counsel for the petitioner submits he is suffering from 50% disability. It is also submitted under such circumstances he would be unable to transport narcotics.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. 1480 bottles of phensedyl syrup containing codeine phosphate above commercial quantity were found in a toto. Petitioner was driving the toto. His disability would not stand in the way of driving the vehicle. Further recovery was also made from his residence.

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.)

