

24.03.2023.
23.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 498 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.38 of 2022 arising out of Dhubulia P.S. Nadia Case No.201 of 2022 dated 25.05.2022 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Abdul Sabur Mondal. ... Petitioner.

Mr. Sumanta Das,
Ms. Mallika Manna.

...for the Petitioner.

Mr. Rudradipta Nandy, Id. A.P.P.,
Mrs. Sonali Das.

...for the State.

Petitioner is in custody for 300 days. He submits he has been falsely implicated. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of 13,300 bottles of phensedyl syrup from a truck. Petitioner is the owner of the said vehicle. He is unable to rebut statutory presumption under Section 37 of the NDPS Act with regard to the illicit use of vehicle for trafficking narcotics.

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.

Accordingly, the prayer for bail of the petitioner is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)