

11.04.2023.
19.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 704 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Uluberia GRPS Case No.7 of 2021 dated 08.03.2021 under Section 20(b)(ii)(c) of the NDPS Act.

In the matter of : Sk. Selim @ Salim.

... Petitioner.

Mr. Arnab Chatterjee,
Mr. Ashok Das,
Ms. Dhanasree Biswas,
Ms. Poulami Bose,
Mr. Sourav Mukherjee.

...for the Petitioner.

Mr. Saryati Datta.

...for the State.

Petitioner submits that the vehicle used to carry narcotics was transferred to him after the occurrence. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits that the vehicle had been delivered to the petitioner prior to the occurrence. He relies on the delivery note dated 17th December, 2020.

We have considered the materials on record. Delivery note dated 17th December, 2020 shows the vehicle was in the physical possession of the petitioner on and from that date. The said vehicle was used to transport narcotics above commercial quantity.

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.)