

26.04.2023
Sl. No.6
akd
[Rejected]

C. R. M. (NDPS) 865 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.04.2023 in connection with NDPS Case No. T.R. 22 of 2021 arising out of NCB Crime No. 20/NCB/KOL/2021 under Sections 8(c)/20(b)(ii)(c)/25/29 of the NDPS Act.

And

In Re: ***Lalit Kumar***

... .. Petitioner

Mr. Pawan Kumar Gupta
Mr. Manoj Kurmi
Mr. Surajit Basu

... .. for the petitioner

Mr. Kallol Kumar Basu

... .. for the NCB

Heard the learned Advocates appearing for both the parties.

We have considered the materials on record. Petitioner is the owner of the vehicles from where 375 kgs. of *Ganja* was recovered. He was also present at the spot. Complicity of co-accused, who has been enlarged on bail, transpired from the statements recorded under Section 67 of the NDPS Act. Needless to mention the said statements by themselves are not admissible evidence. In view of the aforesaid circumstances, we are of the opinion petitioner does not stand on the same footing with the said co-accused.

Keeping in mind the incriminating materials showing involvement of the petitioner in trafficking narcotics above commercial quantity and the 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.)

