

26.04.2023
Sl. No.13
akd
[Rejected]

C. R. M. (NDPS) 872 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.04.2023 in connection with Special Task Force (STF) Police Station Case No.06 of 2022 dated 19.02.2022 under Sections 20(b)(ii)(B)/23(b)/22(c)/29 of the NDPS Act. (NDPS Case No.11 of 2022)

And

In Re: **Sk. Imroz @ Munna**

... .. Petitioner

Mr. Sabir Ahmed
Mr. Atarul Hoque
Mr. Biswajit Sarkar
Ms. Suman Biswas

... .. for the petitioner

Mr. Saryati Datta

... .. for the State

It is submitted on behalf of the petitioner that he was not aware of the contents of the box which was recovered from his possession. Co-accused viz. Devarsh More has been enlarged on bail. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits petitioner and co-accused were dealing in imported narcotics. 241 gms. of *Yaba* tablets were recovered from his possession.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 241 gms. of *Yaba* tablets, which is above commercial quantity from the petitioner. These circumstances attract statutory presumption under Sections 35/54 of the NDPS Act with regard to requisite *mens rea*. No narcotics was recovered from co-accused viz. Devarsh More who has been enlarged on bail. Hence, petitioner does not stand on the same footing with the

said co-accused. Under such circumstances, we are not inclined to grant bail to the petitioner.

The application for bail is thus rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)