

18.05.2023
tkm/ct 28
sl no.9

C.R.M. (NDPS) 1019 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Suti PS (Jangipur) case no. 328 of 2022 dated 14.6.2022 under sections 21(c)/29 of the NDPS Act

And

In Re : Dilip Mandal @ Dilip Mondal & Anr. petitioners

Mr. K Choudhury

..... for the petitioners

Mr. Saryati Datta

..... for the State

Petitioners are the driver and helper of the bus. It is contended recovery of narcotics was from co-accused, the conductor. They had no knowledge with regard to transportation of narcotics. They pray for bail.

Learned lawyer for the State opposes the bail prayer.

We have considered the materials on record. A large quantity of narcotics i.e. 522 bottles of phensedyl syrup was recovered from a contract carriage. Petitioner no. 1 is the driver of the vehicle and petitioner no. 2 is the assistant. Recovery was made from the vehicle. As the vehicle was carrying passengers, to avoid commotion they were permitted to leave the spot. Control and custody of the vehicle and prima facie knowledge of the petitioners regarding transport of narcotics appear to be evident from attending facts and circumstances of the case. They can not be treated differently from the conductor Biswajit Mahanta who was detained at the place of recovery.

Under such circumstances and in view of the statutory restrictions under section 37 of the NDPS Act, we are not inclined to grant bail to the petitioners.

Accordingly, prayer for bail is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)