

06.06.2023

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rejected

C.R.M.(NDPS) No. 1051 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dankuni Police Station Case No. 263 of 2019 dated 18.10.2019 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re : Sirajul Biswas petitioner

Mr. Jisan Hossain

Ms. Chandrima Debnath

Mr. Karnel Mondal

....for the petitioner

Mr. Rudradipta Nandy, learned APP

Mrs. Sonali Das

..... for the State

Learned Counsel for the petitioner submits vehicle had been handed over by him to another person on hire on 10.10.2019 but the said person did not return the vehicle. On 21.10.2019 complaint was lodged to the Superintendent of Police. In the meantime vehicle had been used to transport narcotics. Hence, petitioner is not involved in the said transportation and may be enlarged on bail.

Learned Counsel for the State opposes the bail prayer and submits complaint was filed belatedly on 21.10.2019 after seizure of the vehicle.

We have considered the materials on record. Narcotics, above commercial quantity, was transported in a vehicle. It was

apprehended on 18.10.2019. Petitioner is the owner of the vehicle but on 21.10.2019 he lodged complaint to the Superintendent of Police claiming that he had handed over the vehicle on 10.10.2019 to another person. It is also contended that such fact had been brought to the notice of the local police station. No document in support of such plea is placed on record. In view of the fact that the complaint to the Superintendent of Police is after the occurrence we are of the opinion said document appears to be an afterthought and does not inspire confidence to rebut the statutory presumption in law.

Under such circumstances and in the light of prima facie material showing that the petitioner is the owner of the vehicle which was used for transportation of narcotics, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)