

04.07.2023.
D/L 33
Ct.No.28
SKB
(Rejected)

C.R.M. (NDPS) 1210 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Islampur P.S. Case No.676 of 2022 dated 28.09.2022 & 29.09.2022 under Section 20(B)(ii)(C) of the NDPS Act in connection with SPL NDPS 72 of 2022.

In the matter of : Abhijit Sarkar

.... Petitioner

Mr. Ayan Basu,
Mr. Amit Roy,
Mr. Sumit Routh

... for the Petitioner

Mr. Neguive Ahmed,
Ms. Ayantika Ray

... for the State

Petitioner submits there is no evidence that he was the driver of the vehicle which was used to transport narcotics. He prays for bail.

Learned advocate for the State opposes the bail prayer.

Heard the learned Advocates for the parties.

We have considered the materials on record. Statement of mother of the owner of the vehicle and telephonic exchanges between the parties as appearing from CDRs collected during investigation, prima facie establish petitioner was the driver of the vehicle which was used to transport narcotics.

Under such circumstances and in view of statutory restrictions under Section 37 of the N. D. P. S. 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.)