

26.07.2023.
04.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1312 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.N-105 of 2021, NCB No.69/NCB dated 19.08.2021 under Sections 8(c) read with Section 22(c)/29 of the NDPS Act.

In the matter of : Rosid Mia.

... Petitioner.

Mr. Sovan Dasgupta.

...for the Petitioner.

Mr. Arun Kr. Maiti (Mohanty),
Mr. Rajesh Kr. Shah.

...for the NCB.

Petitioner submits he is the driver of the vehicle and did not have knowledge with regard to transportation of narcotics substance. He renews his bail prayer.

Learned Advocate for the NCB submits report. From the materials on record and the report, it appears that the delay in the trial cannot be attributed to the prosecution. De-facto complainant has been examined. During his cross-examination adjournment was prayed due to non-availability of lawyer on behalf of the defence. There are ample materials showing involvement of the petitioner in transporting narcotics above commercial quantity. His bail prayer had been rejected earlier on merits.

Under such circumstances and in view of statutory restrictions under Section 37 of the NDPS 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.)