

01.08.2023
tkm/ct 28
sl no. 22

C.R.M. (NDPS) 1344 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Malda P.S. Case No. 359 of 2020 dated 29.6.2020 under section 21/29 of the NDPS Act read with sections 18(b)/27 of the Drugs and Cosmetics Act

AND

In Re : Abdul Motaleb Ali

..... petitioner

Mr. M H Chowdhury

Mr. M Alam

..... for the petitioner

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

..... for the State

Petitioner is in custody for a year. It is submitted no narcotics was recovered from his possession. He prays for bail.

Learned lawyer for the State submits petitioner is the owner of the vehicle which was used to transport narcotics.

We have considered the materials on record. 250 bottles of phensedyl syrup containing codeine phosphate which is above commercial quantity, was recovered from a vehicle. Petitioner is the owner of the said vehicle.

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 petitioner.

Accordingly, the prayer for bail is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)