

23.08.2023

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rejected

C.R.M.(NDPS) No. 1394 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhagwangola Police Station Case No. 165 of 2023 dated 28.04.2023 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Jaffar Ali

.... Petitioner

Mr. Tapodip Gupta

....for the petitioner

Mr. Saryati Datta

..... for the State

1.Learned Counsel for the petitioner submits that he is the owner of a transport company. He did not play any role in the transportation of narcotics. He prays for bail.

2.Investigation officer is present in person. He submits case diary as well as report with regard to involvement of the petitioner.

3.From the materials on record it appears that a consignment of goods was being transported through 'Subhi Subh Goods Carrier'. The said transporter passed on the goods to the transport company of the petitioner i.e. 'Shri Janata Goods Carrier'. Vehicle bearing registration mark being WB 57A-5434 was used to carry the goods and upon apprehension it was found goods contained narcotics above commercial quantity i.e. 3000 bottles of Phensedyl Syrup. No valid licence for

transportation of cough syrup has been produced either by the petitioner or any of the co-accused. On the other hand, a false plea that the goods transported were sarees show involvement of the petitioner and co-accused Chandra Bhusan Singh, the owner of the 'Subhi Subh Goods Carrier'. Said Chandra Bhusan Singh is absconding and prayer has been made for issuance of warrant of arrest. In view of the aforesaid incriminating materials disclosing involvement of the petitioner in the transportation of narcotics, we are not inclined to grant bail to him.

4. The application for bail is, thus, rejected.

5. Personal appearance of the investigating officer is noted and dispensed with.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)