

30.08.2023.
12.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1434 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N Case No.168 of 2021 arising out of Lake Town P.S. Case No.326 of 2021 dated 14.12.2021 under Sections 21(C)/29 of the NDPS Act.

In the matter of : Shyamal Chandra Sarkar.
... Petitioner.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha.
...for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Ch. Majhi.
...for the State.

1. Petitioner claims that the registration certificate of the vehicle used to transport narcotics stood in the name of one Papiya Ghosh. He is no way connected with the transportation of narcotics.

2. Report is placed on record. Report shows by a sale agreement dated 21.01.2020, the said Papiya Ghosh had sold the vehicle to the petitioner. Incident occurred on 14.12.2021 when vehicle had been handed over to the petitioner pursuant to the sale agreement. Change of name of owner in the registration certificate of the vehicle is not the sole consideration for determination of control, custody and dominion over the vehicle at the time of commission of offence.

2. Under such circumstances and as narcotics recovered from the vehicle is above commercial quantity i.e. 1155 kgs. of ganja attracting statutory restrictions under Section 37 of the NDPS Act in the matter of bail, we are not inclined to grant bail to the petitioner.

4. Accordingly, the prayer for bail of the petitioner is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)