

08.09.2023
Sl. No.6
akd
[Rejected]

C. R. M. (NDPS) 1489 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.09.2023 in connection with Behala Police Station Case No.152 of 2022 dated 08.06.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.52 of 2022)

And

In Re: **Sushanta Patra**

... .. Petitioner

Ms. Subhasree Patel
Mr. Soham Banerjee

... .. for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than a year. It is further submitted petitioner is the driver of the vehicle. He was not aware of the transportation of narcotics. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits narcotics i.e. 102 kgs. of *Ganja* was recovered from a vehicle.
3. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 102 kgs. of *Ganja*, which is above commercial quantity from a vehicle. Petitioner was the driver of the vehicle. Quantity of narcotics recovered and other attending circumstances lead to the prima facie inference that petitioner was aware of the transportation of narcotics. 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.

4. The application for bail is thus rejected.
5. Trial court is directed to consider the issue of framing of charge on the next date fixed and if it is unable to do so, positively within two months thereof and in the event, charge is framed to take the proceeding to its logical conclusion without unnecessary delay.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)