

19.09.2023
Sl. No.16
akd
[Rejected]

C. R. M. (NDPS) 1546 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.09.2023 in connection with Alipore Police Station Case No.86 of 2022 dated 24.07.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.58 of 2022)

And

In Re: ***Nurul Hasan Halder***

... .. Petitioner

Mr. Soumik Ganguli

... .. for the petitioner

Mr. Swapan Banerjee
Mr. Suman De

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for over 400 days. It is further submitted petitioner has been falsely implicated. Co-accused is on interim bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner was the driver of the vehicle. He tried to flee when police apprehended him on a public road. Upon search narcotics i.e. 100.62 kgs. of *Ganja* was recovered from the 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. 100.62 kgs. of *Ganja*, which is above commercial quantity from a vehicle. Petitioner was the driver of the said vehicle. He does not stand on the same footing with co-accused who is on interim bail. The said co-accused was not present at the spot. 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.

(Ajoy Kumar Mukherjee, J.)

(Joymalya Bagchi, J.)