

05.10.2023

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rejected

C.R.M.(NDPS) No. 1621 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Doulatabad Police Station Case No. 252 of 2022 dated 16.11.2022 under Sections 21(c)/22(c)/29 of the NDPS Act.

And

In Re : Bijon Sk. @ Golam Murselim petitioner

Mr. Niladri Sekhar Ghosh

Md. G. N. Imrohi

....for the petitioner

Mr. Ranadeb Sengupta

..... for the State

1. Learned Counsel for the petitioner submits he is the owner of the vehicle. It is also submitted that he handed over the vehicle to a third party in whose favour power of attorney was executed. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner had control and custody of the vehicle which was used for transportation of narcotics.

3. We have considered the materials on record. Narcotics was recovered from the vehicle which was owned by the petitioner. A faint plea that the vehicle had been handed over to a third party has been taken. We have examined the document in the light of other materials on record. The defence appears to be a concocted one and insufficient to rebut the statutory restrictions under Section 37 of the NDPS Act. Under

such circumstances, we are not inclined to grant bail to the petitioner.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)