

13.10.2023.
08.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1683 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.49 of 2022 arising out of Tehatta P.S. Case No.507 of 2022 dated 21.06.2022 under Sections 22(c)/25/28/29 of the NDPS Act.

In the matter of : **Rafidul Seikh @ Hero.**

... Petitioner.

Mr. S. D. Mahapatra,
Mr. A. A. Alamgir.

...for the Petitioner.

Mr. Saryati Datta.

...for the State.

1. Petitioner is the driver of the vehicle. He contends he was unaware of the contraband which was carried by other occupants of the vehicle. He prays for bail.

2. Learned Advocate for the State opposes the bail prayer.

3. We have considered the materials on record. Petitioner is the driver of the vehicle which was used for transportation of narcotics. Quantity of narcotics transported is to the tune of 10,000 bottles of phensedyl syrup containing codeine phosphate above commercial quantity. Enormous volume of the contraband carried in the vehicle gives *prima facie* impression of knowledge and complicity of the petitioner in its transportation. No narcotics has been recovered from the possession of the co-accused who have been enlarged on bail. Petitioner does not stand on the same footing with them.

4. In view of the aforesaid facts and statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)