

01.12.2023

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rejected

C.R.M.(NDPS) No. 1699 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raghunathganj Police Station Case No. 575 of 2020 dated 12.11.2020 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Sukhen Saha petitioner

Mr. Arnab Chatterjee

Ms. Poulami Bose

....for the petitioner

Mr. Saryati Datta

..... for the State

1. Heard the learned Counsels for the parties.
2. Report is placed on record. Report shows one Stephen Mondal who had notarised Power of Attorney in favour of the petitioner with regard to the truck in question had been interrogated. He stated he had executed the Power of Attorney. This prima facie establishes control and dominion of the petitioner over the vehicle which was used to transport narcotics above commercial quantity. Under such circumstances and in view of statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.
3. Application for bail is, thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)