

16.11.2023

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rejected

C.R.M. (NDPS) No. 1742 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sankrail Police Station Case No. 1527 dated 24.12.2021 under Sections 20(b)(ii)(c)/27A/28/29 of the NDPS Act.

And

In Re : Rahamat Ali petitioner

Md. Younush Mandal

Mr. Pronojit Roy

... for the petitioner

Mr. Sanjoy Bardhan

Ms. Baishakhi Chatterjee

... for the State

1. Learned Counsel for the petitioner submits he is in custody for nine months. It is also submitted he is the owner of the vehicle and did not have requisite knowledge with regard to transportation of narcotic substance. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner was not only the owner of the vehicle but there was continuous telephonic conversation between the petitioner and co-accused from whom narcotic substance was recovered.

3. We have considered the materials on record. Petitioner is the owner of the vehicle which was used to transport 546 kgs. of narcotics which is above commercial quantity. Case diary shows continuous telephonic conversation between the petitioner and co-accused from whom narcotic substance was recovered.

4. These incriminating materials establish prima facie knowledge of the petitioner with regard to the use of vehicle for transportation of narcotic substance. Trial has already commenced. Under such circumstances, we are of the opinion this is not a fit case to grant bail to the petitioner.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)