

22.11.2023

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sdas
rejected

C.R.M.(NDPS) No. 1873 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure arising out of Hasnabad Police Station Case No. 77 of 2023 dated 27.02.2023 under Sections 20(b)(ii)(c) of the NDPS Act.

And

In Re : Rajkumar Mondal petitioner

Mr. Satadru Lahiri

Mr. Safdar Azam

... for the petitioner

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

... for the State

1. Learned Counsel for the petitioner submits he is in custody for eight months. It is also submitted he was no way connected with the transportation of narcotic substance above commercial quantity. He prays for bail.

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

3. We have considered the materials on record. No narcotic substance was recovered from the possession of the co-accused who is on bail. Petitioner was the driver of the vehicle which transported narcotic substance i.e. 59.49 Kgs. of Ganja 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.

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

5. Trial court is directed to take necessary steps for apprehension of the absconding accused and if his attendance cannot be procured inspite of exhaustion of all processes to declare him as proclaimed offender and proceed with the trial against the petitioner and other co-accused in accordance with law.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)