

23.11.2023

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rejected

C.R.M.(NDPS) No. 1870 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Murutia Police Station Case No. 263 of 2023 dated 07.09.2023 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Apa Debnath petitioner

Mr. Sumanta Das

....for the petitioner

Mr. Saibal Bapuli, learned APP

Mr. Palash Chandra Majhi

..... for the State

1. Learned Counsel for the petitioner submits he was driving a toto which had been taken on hire by the co-accused. He was unaware of the contraband carried by the co-accused. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner and co-accused were present in the said vehicle and were conjointly transporting narcotics.

3. We have considered the materials on record. Nothing is placed on record to show that the vehicle is a common carrier. Petitioner was driving the toto and narcotics was recovered from the said vehicle. 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. Application for bail is, thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)