

21.12.2023
tkm/ct 28
sl no. 37

C.R.M. (NDPS) 2053 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Special Case no. 7/23 dated 3.5.2023 under sections 8(c) read with sections 20(b)(ii)(c)/29 of the NDPS Act,

And

In Re : Bandhan Mondal @ Bandan Mondal petitioner

Mr. T Quasimuddin

Ms. Puja Mandal

..... for the petitioner

Mr. Kallol Basu

Ms. Tirtha Pati Acharyya

..... for the NCB

1. Petitioner is the owner of the vehicle. He contends that the vehicle was used to transport tin sheets to Raipur. Behind his back the driver had loaded ganja and transported it. He prays for bail.
2. Learned lawyer for the NCB opposes the bail prayer. He contends petitioner was aware of the wrongful use of the vehicle.
3. We have considered the material on record. As per owner, vehicle had been commissioned to transport tin sheets from Rampurhat to Raipur, Chattisgarh. Thereafter the vehicle made a detour to Mayurganj, Odisha and carried ganja. Petitioner was in contact with his driver and khalasi over telephone. He received higher remuneration for use of the vehicle than the ordinary rate. These circumstances prima facie show complicity of the petitioner in transportation of narcotics through his vehicle.
4. Under such circumstances and in view of the statutory restrictions under sections 37 of the NDPS Act we are not inclined to grant bail to the petitioner.
5. Accordingly, prayer for bail is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)