

05.06.2023
SL No.73
Court No.1
(gc)
(Rejected)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (NDPS) 339 of 2023

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Bhaktinagar Police Station Case No.1375 of 2022 dated 26.12.2022 under Sections 21(c)/25/29 of the NDPS Act.

And

In the matter of : **Dipak Sahani @ Deepak Sahani & Anr.**

- Petitioners.

Mr. S. Mukherjee,
Mr. A. Barman,
Ms. O. Mukherjee,
Mr. D. Kundu,

... For the Petitioners.

Mr. Nilay Chakraborty,
Mr. Arjun Chowdhury,
... For the State

We have heard the learned Counsel for the parties.

We have considered the materials on record. The recovery was made from the days box of the vehicle in which the petitioner was the passenger. It is a private vehicle. Although it was contended that the petitioners have no conscious possession of narcotics but prima facie it appears that the petitioners were in the vehicle from which the contraband article was recovered and the petitioners had control and domain over the 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 petitioners.

Accordingly, the application for bail is rejected and stands disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)