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rejected

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

CRM (NDPS) 854 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Reang Police Station Case No. 30 of 2023 dated 06.05.2023 under Section 22(c) of the NDPS Act.

And

In Re : Pragyan Raipetitioner

Mr. Gopal Roy
..... for the petitioner

Mr. Aditi Shankar Chakraborty, learned APP
Mr. Sourav Ganguly
..... for the State

1. Learned Counsel for the petitioner submits he was the driver of a commercial vehicle. Co-accused had hired the vehicle. Narcotics was recovered from his possession. He had no knowledge that the hirer was carrying narcotics. Accordingly, he prays for bail.
2. Learned Counsel for the State opposes the prayer for bail and submits there was joint recovery of narcotics from the petitioner and co-accused.
3. We have considered the materials on record including the registration certificate. Vehicle is not registered for commercial purpose. This improbabilises the defence version that petitioner had let out the vehicle to the co-

accused. On the contrary it supports the prosecution case that the petitioner in collusion with co-accused was transporting narcotics in the vehicle. Amount of narcotics recovered from the vehicle is above commercial quantity. In view of the aforesaid circumstances and 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.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)