

11.01.2024
Sl. No.25
akd
[Rejected]

C. R. M. (NDPS) 56 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.01.2024 in connection with Gazole Police Station Case No.765 of 2023 dated 30.09.2023 under Sections 21(c)/25/27A/29 of the NDPS Act. (NDPS Case No.94 of 2023)

And

In Re: ***Md. Samaun Sekh @ Kalu***

... .. Petitioner

Mr. Mrityunjoy Chatterjee
Mr. Debapriya Majumder

... .. for the petitioner

Mr. Koushik Kundu

... .. for the State

1. Heard the learned Advocates appearing for both the parties.
2. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 497 bottles of *phensedyl syrup*, which is above commercial quantity from a vehicle. Petitioner was the driver of the vehicle. This shows conscious possession of the petitioner in illicit transportation of narcotics. Under such circumstances and in view of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.
3. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)