

31.01.2024.
09.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 187 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N Case No.73 of 2022 arising out of Airport P.S. Case No.168 of 2022 dated 11.06.2022 under Sections 22(C)/25/28/29 of the NDPS Act.

In the matter of : **Mahendra Pratap Singh.**
... Petitioner.

Mr. Sumit Kr. Basu,
Mr. Shyan Sachin Basu,
Ms. Sarmistha Naskar,
Mr. Rajat Gupta.
...for the Petitioner.

Mr. Ranadeb Sengupta.
...for the State.

1. Petitioner is in custody for over one year and seven months. He submits recovery had not been videographed and independent witnesses are not residents of the area. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits 10,000 bottles of phensedyl syrup were recovered from a truck coming from Uttar Pradesh. Petitioner was present in the vehicle. Delay in the matter is due to non-engagement of the Counsel by the co-accused.

3. We have considered the materials on record. A truck coming from Uttar Pradesh was apprehended. Large volume of narcotics from the truck was recovered. Petitioner was present in the truck and was unable to explain the licit possession of cough syrup. Statements of official witnesses are corroborated

by contemporaneous documents viz., seizure memo and arrest memo. Independent witnesses have also signed on the seizure memo. Their credibility requires to be assessed in the course of trial.

4. Under such circumstances, we are of the opinion there are ample evidence showing involvement of the petitioner in transportation of narcotics above commercial quantity and in view of statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

5. Accordingly, prayer for bail of the petitioner is rejected.

6. We request the trial court to take prompt steps for framing of charge and in the event charge is framed to take the proceeding to its logical conclusion at the earliest.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)