

13.02.2024
Sl. No.17
akd
[Rejected]

C. R. M. (NDPS) 288 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.02.2024 in connection with Baranagar Police Station Case No.328 of 2023 dated 21.05.2023 under Sections 21(c)/25/27A/29 of the NDPS Act.

And

In Re: **Manik Ghosh**

... .. Petitioner

Mr. Soubhik Mitter
Ms. Rajnandini Das
Mr. Chitrak Biswas

... .. for the petitioner

Mr. Sanjib Kumar Dan

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than five months. It is further submitted petitioner was not involved in transporting narcotics as he was in custody at the material point of time. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits narcotics i.e. 6000 bottles of *phensedyl syrup* containing *codeine phosphate* was recovered from two vehicles. Contraband was hidden in the secret chambers of the said vehicles. Petitioner is the owner of one of the vehicles. He is involved in similar cases.
3. We have considered the materials on record. Petitioner has criminal antecedents. He was arrested in a case involving narcotics. He is the owner of one of the trucks which was used to carry narcotics. Contraband was being carried in a secret chamber which shows the surreptitious manner of transportation. Bail prayer of the petitioner was rejected earlier on merits. 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.

4. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)