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rejected

C.R.M.(NDPS) No. 311 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Patiram Police Station Case No. 165 of 2023 dated 07.08.2023 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act.

In Re : Khairul Sarkar

Mr. Pawan Kumar Gupta
Mr. Subrata Saha
Ms. Sofia Nesar
Mr. S. Seth

....for the petitioner

Mr. Debasish Roy, learned PP
Ms. Sayanti Datta

..... for the State

1. Learned Counsel for the petitioner submits no narcotics was recovered from his possession. He is in custody for 60 days. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits petitioner is the owner of the vehicle which was used to transport narcotics.

3. We have considered the materials on record. BSF personnel apprehended the vehicle transporting narcotics. Investigation reveals petitioner is the owner of the said vehicle. In view of the aforesaid incriminating facts we are of the opinion petitioner does not stand on the same footing with co-accused who is on bail. 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 petitioner.

4. The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)