

05.03.2024.
25.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 429 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.15 of 2023 arising out of Asansol (N) P.S. Case No.392 of 2023 dated 14.09.2023 under Sections 20(b)(ii)(c)/25/29 of the NDPS Act.

In the matter of : **Khateja Bibi & Anr.**

... Petitioners.

Mr. Saryati Datta,
Mr. Sanjib Kr. Dan
Mr. Chitrak Biswas.

...for the Petitioners.

Mr. Navanil De.

...for the State.

1. Petitioner contends they were passengers in a toto and they were not aware of the contraband which was carried in the said vehicle. They are in custody for 173 days. Accordingly, they pray for bail.

2. Learned Advocate for the State opposes the bail prayer.

3. We have considered the materials on record. 24 kgs. of ganja were found inside the toto. Petitioners had hired the toto. These materials *prima facie* establish their conscious possession of the contraband.

4. Under such circumstances, we are not inclined to grant bail to the petitioners at this stage.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)