

30.04.2024.
08.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 703 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection N Case No.31 of 2020 arising out of Task Force P.S. Case No.20 of 2020 dated 22.08.2020 under Sections 21(b)(ii)(C)/29 of the NDPS Act.

In the matter of : **Shubham Tewari @ Subham Tiwari.**
... Petitioner.

Mr. Rajeev Lochan.
...for the Petitioner.

Mr. Hafiz Ali,
Mr. Mainak Gupta.
...for the State.

1. Learned Advocate for the petitioner strenuously argues he had no knowledge with regard to the consignment which was carried in the truck. He had boarded the truck to travel as no other transportation was available. He renews his bail prayer.

2. Learned Advocate for the State opposes the bail prayer and submits report.

3. Having considered the materials on record, we note petitioner and others were in control and custody of the vehicle wherefrom narcotics was recovered. There is a statutory presumption with regard to requisite *mens rea* under Section 35/54 of the NDPS Act. Bail prayer of the petitioner had been repeatedly rejected earlier. Bail prayer of co-accused viz., Sailendra Singh Yadav was rejected in January, 2024. Since then two more witnesses have been

examined. Prosecution assures this Court remaining witnesses shall be examined shortly.

4. In view of the aforesaid assurance and the materials on record involving the petitioner in transporting narcotics above commercial quantity, we are not inclined to grant bail to the petitioner.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)