

38.
01-10-2024
(ct. no.28)
debajyoti
(rejected)

CRM (NDPS) 1455 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Hogalberia Police Station Case No.221 of 2023 dated 26-09-2023 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Rajesh Mondal

.... Petitioner.

Mr. Debarshi Brahma

... For the Petitioner.

Mr. Madhusudan Sur,
Mr. Tirupati Mukherjee

... For the State.

Dictated by Apurba Sinha Ray, J.

Learned advocate for the petitioner submits that the petitioner has no role in commission of the alleged offence. He further submits that the principal accused has been granted bail and as he was not present in the car at the relevant point of time, he may be enlarged on bail on any condition. Learned advocate further submits that the petitioner is in custody for about 97 days.

Learned advocate for the State has opposed the prayer for bail. He points out that the petitioner is the owner of the offending vehicle in which the contraband article was being carried to some other place. Learned advocate has also drawn our attention to the fact that there is a criminal antecedent of the present petitioner and one case is still pending against him under the relevant provisions of NDPS Act, 1985. He has also placed the relevant document showing

that the present petitioner is the registered owner of the car bearing number WB52P-9495.

We have considered the material in the Case Diary. We find that the petitioner is the owner of the vehicle by which the contraband article was being taken to some other place. As there is *prima facie* material showing that the petitioner is involved in the commission of the alleged offence by using the relevant car and further as the petitioner has criminal antecedent in committing such type of crime, we are not inclined to allow the petitioner's prayer for bail, at this stage.

The application for bail being CRM (NDPS) 1455 of 2024 is, thus, **dismissed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)