

26.10.2023

Court No.8
Item. 11

(Suvendu/Sandip)

CRM (NDPS) 1775 OF 2023

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection Baranagar Police Station Case No. 328 of 2023 dated 21.05.2023 (corresponding to N - Case No. 10/2023) under Sections 21(c)/25/27A/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Manik Ghosh

.....Petitioner.

Mr. Syed Murshid Alam

For the Petitioner.

Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan

For the State.

1. The very fact that the alleged recovery was made from the petitioner while the petitioner was in custody in respect of another case registered under the NDPS Act, 1985 raises a presumption of the petitioner being a habitual offender. The petitioner in any event was arrested on 11.09.2023 and is the owner of the vehicle from which the contraband substances were recovered.
2. Learned counsel appearing for the prosecution submits that the petitioner is also under arrest in the other case as the owner of the vehicle which was carrying the contraband substances.
3. The above facts persuade us not to allow the prayer for bail.
4. CRM (NDPS) 1775 of 2023 is accordingly rejected and disposed of in terms of the above.

(BIBHAS RANJAN DE, J.)

(MOUSHUMI BHATTACHARYA, J.)