

IN THE COURT OF THE JUDGE, SPECIAL COURT (UNDER NDPS ACT) AT
SILIGURI
C.R. (NDPS) CASE NO. 21 OF 2020

STATE OF WEST BENGAL
VERSUS
DIPAK KUMAR DAS.....ACCUSED PERSON

Order No. O7 dated 08.07.2020 :

Today is fixed for hearing bail petition. It is submitted that no bail petition is pending or rejected by the Hon'ble High Court.

IO has sent a report that the trade license filed by the accused is genuine.

Ld. Advocate for the accused moves the prayer for bail and submits that the road challan would show that the accused was transporting chillies and since the vehicle does not belong to the accused, he had no knowledge that the driver and the helper of the vehicle were transporting contraband along with chillies.

Ld. P.P. raises strong objection.

It appears from the seizure list that the alleged contraband was recovered from the possession of the accused. At this stage, there is no sufficient material before this Court to determine whether the contraband was being shipped along with the chillies or the accused had no knowledge of the consignment of the contraband. Prima facie at this stage, it cannot be said that there is no reasonable ground to believe that the accused is guilty. As such, the bar under section 37(1)(b) (ii) of NDPS Act comes into play. Accordingly prayer for bail is rejected.

To 20.7.2020 for production and IO's report.

Return CD.

Dict. & corrected by me:

Sd/-
Judge Special Court,
(NDPS Act), Siliguri

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Judge Special Court
(NDPS Act), Siliguri