

Party Name : SANJIT CHOUDHURY Vs THE STATE OF TRIPURA

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

This is an application for grant of anticipatory bail filed by the petitioner in respect of Special (NDPS) Case No. 05 of 2014 (Ambassa Police Station Case No. 53 of 2014) registered on 22.10.2014 under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act.

The allegations in the FIR are that the Truck which is owned by the petitioner was used for carrying 1275 numbers of Phensedyl Cough Linctus bottles which were being carried in violation of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the act').

The FIR was registered in October, 2014. Thereafter, the petitioner moved an Anticipatory Bail application before the Special Judge, Unokoti, who rejected the same on 17th December, 2014. Thereafter this Anticipatory Bail application was filed in this Court and on 19th December, 2014, only notice was issued and no ad-interim bail was granted.

For reasons best known to the Investigating Officer, he has not thought it fit to arrest the petitioner till date.

As far as the merits of the case are concerned, the main argument of Mr. B.N. Majumder, learned counsel is that the petitioner had hired out his truck to the roadways who in turn had hired out the truck for transportation of Fibre Glass Wool and Tiles and in case, the driver or some other person has surreptitiously kept the contraband substance, the petitioner is not liable for the same.

At this stage when the matter is still under investigation, it cannot be said with certainty that the petitioner, who is the owner of the truck is not at all concerned with the transportation of such contraband substances.

This Court is aware of the fact that there is a very high level of smuggling of cough syrup and other such medications which are being used by the youth as intoxicants. In cases of such nature, this Court cannot be liberal while granting bail though, generally, the rule is that bail not jail is the rule. Where the offences concern society at large, this Court has to be more careful. At the stage of granting anticipatory bail, this Court is not inclined to grant bail because some custodial interrogation of the accused may be necessary to find out the truth.

In this view of the matter, the application for grant of anticipatory bail is rejected. It is, however, made clear that any views expressed in this petition shall not influence the appropriate Court while considering the matter for grant of regular bail.