

30.07.2021

Court No.28
Item No.45
(Allowed)

Akd
&
As

CRM 3589 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Daulatabad Police Station Case No. 210 of 2020 dated 05.10.2020 under Sections 20(b)(ii)C and 29 of the Narcotic Drugs and Psychotropic Substances Act (NDPS Case No. 222 of 2020)

And

In the matter of : **Dipankar Halder**

...Petitioner

Mr. Asif Dewan.

...For the Petitioner

Mr. Madhusudan Sur,
Mr. Dipankar Pramanick.

...For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Daulatabad Police Station Case No. 210 of 2020 dated 05.10.2020 under Sections 20(b)(ii)C and 29 of the Narcotic Drugs and Psychotropic Substances Act.

Huge quantity of narcotic substances was recovered from the cabin of a truck on 4th October, 2020. The petitioner is the owner of the vehicle; so he was arrested. At the time of recovery, the petitioner was not present in the said truck. No document could be seized by the investigating authority to show at least, prima facie, the constructive possession or vicarious liability of the petitioner being the owner of the truck.

In view thereof, we are of the opinion that further detention of the petitioner is not necessary.

The prayer for bail of the petitioner is thus allowed.

Accordingly, the petitioner, **Dipankar Halder**, shall be released on bail upon furnishing a bond of Rs.10,000 /- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must

be local, to the satisfaction of the learned Special Judge under the NDPS Act, Berhampore, Murshidabad, subject to the condition that the petitioner shall make himself available on each day of listing of the matter before the Court and the default on any solitary occasion without any justifiable cause may disentitle him to the privilege of bail granted by this Court without further reference to this Court

The application for bail, being CRM 3589 of 2021, is thus **disposed of.**

(Harish Tandon, J)

(Bibek Chaudhuri, J.)