

CRM (NDPS) 525 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **23.5.2022** in connection with **Suti** Police Station Case No. **28** of **2021** dated **19.01.2021** under Sections **20(b)(ii)(c)/29** of the NDPS Act.

And

In the matter of: **Abhijit Roy @ Abhijeet Roy**

....petitioner.

Mr. Tapodip Gupta

...for the petitioner.

Mr. B. Panda

Mr. Narayan Prasad Agarwal

Ms. D. Dasgupta

... for the State.

Learned counsel for the petitioner submits that the petitioner is in custody for 295 days. It is contended that although the petitioner was not named in the FIR, the charge sheet finds the mention of the petitioner's name for the first time.

It is further submitted that the petitioner is merely the owner of the vehicle from which the alleged contraband articles were recovered.

Learned counsel appearing for the State opposes the prayer for bail and submits that there was sufficient nexus between the petitioner, who was the owner of the vehicle in question, and the crime, and that the charge sheet has already been filed last year.

However, since the charge sheet has already been filed, we do not find any scope of immediate presumption that the petitioner is likely to be able to influence the investigation. Moreover, in view of the allegation against the petitioner being merely that the petitioner was the owner of the vehicle in which the contraband article was being carried, although the petitioner was not found in the vicinity where the offence was allegedly committed, we are inclined to grant bail to the petitioner.

Accordingly, CRM (NDPS) 525 of 2022 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the

satisfaction of the Chief Judicial Magistrate, Berhampore, Murshidabad.

The petitioner shall meet the investigating officer once a week for the present and, after the commencement of trial, shall attend the trial regularly.

Moreover, the petitioner shall not make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing such facts before any police officer or the court and/or from tampering with evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)