

74 18.04.2022
(AD) Court No.29
(Allowed)

C.R.M. 6155 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Dantan** P.S. Case No.**307** of **2021** dated **30/08/2021** under Sections **20(ii)(c)/29** of the Narcotics Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Pramod Kumar

....petitioner.

Mr. Soumyajit Das Mahapatra

...for the petitioner.

Mr. Swapan Banerjee

Ms. Purnima Ghosh

...for the State.

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner is the Inspector-in-Charge of Central Industrial Security Force. The petitioner was posted at the Goa Airport. He was issued a transfer order on July 1, 2021. He was required to join at Kolkata Airport within fifteen days. He owns a Bolero car which he entrusted with the defence approved transporter, namely, Jai Shree Krishna Roadways on July 5, 2021 for onward transportation from Goa to Kolkata Airport. The petitioner never received the vehicle from the Jai Shree Krishna Roadways.

In view of such contentions a report was called for by the order dated March 29, 2022 as to when the Bolero car was made over to the petitioner by the transporter. It appears from the report dated April 11, 2022 that the transporter did not transport the Bolero car from Goa to Kolkata due to the unavailability of

‘Car Carrier’. The Bolero car was sent by road through an agent, namely, Mr. Sandeep Sharma. Mr. Suresh Kumar, the Proprietor of the transporter, came to know from Mr. Sandeep Sharma about the seizure of Bolero car with commercial quantity of narcotics.

The report filed in Court be taken on record.

Narcotics of commercial quantity was seized from the Bolero car in question. At the time of the seizure of the Bolero car, the same was not under the possession of the petitioner in the sense that he did not have active control of the same. The petitioner placed the Bolero car for transportation. The transport company ultimately made over possession of the car to an agent for taking the car by the road from Goa to Kolkata. During the transit, the vehicle was intercepted and the narcotics was seized.

In such circumstances, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985. Moreover, the police submitted charge Sheet. Consequently, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of like amount each to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default, the jurisdictional Court will pass appropriate

order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. 6155 of 2021 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)