

31.03.2023
Sl. No.11
akd
[ALLOWED]

C. R. M. (NDPS) 606 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.02.2023 in connection with Bhimpore Police Station Case No.277 of 2022 dated 13.07.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.53 of 2022)

And

In Re: ***Dipankar Saha***

... .. Petitioner

Mr. Suman Das
Mr. Sumanta Chakraborty

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than 200 days. It is further submitted petitioner was not present at the place of occurrence. He is not the registered owner of the vehicle. He has been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail and submits 3400 bottles of *phensedyl syrup* were being carried in a Scorpio vehicle bearing registration No. WB06-5745. Vehicle stood in the name of one Kanai Saha. He was arrested and interrogated. He stated the vehicle had been sold to one M/s. Sree Automotive who in turn transferred the vehicle to one Kuddus Mondal, petitioner herein, Salam and Saifuddin Sardar. It is further stated Kuddus Mondal claimed petitioner was using the vehicle.

We have considered the materials on record. Petitioner is not the registered owner of the vehicle. No document showing ownership or possession of the vehicle in favour of the petitioner is placed before us. Only on the statement of the registered owner and other transferees,

complicity of the petitioner has transpired. It may not be out of place to note the registered owner has been discharged. Keeping in mind the slender material relied by the prosecution to implicate the petitioner in transportation of narcotics, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. In view of the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Dipankar Saha***, be released on bail upon furnishing 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 learned Judge, Special Court under the NDPS Act, Krishnagar, Nadia subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)