

08.08.2023

SL. 2

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 2481 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Durgapur** Police Station Case No. **171** of **2022** dated **17.04.2022** under Sections **15(C)/29** of the NDPS Act.

And

In the matter of: **Krishna Verma**

....petitioner.

Mr. Shambhunath Roy

Ms. Amrita Tewari

Ms. Tuhina Parvin

Mr. Bikramjit Mandal

...for the petitioner.

Mr. Antarikhya Basu

...for the State.

1. Heard learned Counsel for the parties.
2. The petitioner is stated to be the owner of the vehicle from which contraband opium of commercial quantity was seized.
3. Perused the report filed by Swapan Singha Maha Patra, SI of Police of DTPS, I/C, P.S. Durgapur, ADPC.
4. From the report, it is found that at least four cases relating to property offences are pending against the petitioner though he has not been convicted in any other case. But from the record of the present case diary, we found that there is no previous criminal antecedent of involvement of the petitioner in similar case.
5. It is submitted by learned Counsel for the petitioner that the petitioner being the owner of the vehicle, had authorized the driver to drive the vehicle and he had no knowledge about transportation of contraband in his vehicle. Except the statement of the driver, there is no other material in the case

diary to suggest that the petitioner had active knowledge about the transportation of the alleged contraband by the driver in his vehicle.

6. Investigation is stated to have progressed substantially.
7. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation, nature of evidence and substantial progress in investigation, it is directed that the petitioner shall be released on bail in the event of his arrest by the Arresting Officer in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the fact that:
 - i) the petitioner is directed to appear before the I.O. once in a week on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.
 - ii) the petitioner shall not involve himself in similar offence during the currency of this order.
 - iii) the petitioner shall not leave the jurisdiction of the P.S. without obtaining prior leave from the I.O.
8. The petitioner is directed to appear before the I.O. within 21 days from today along with a server copy or certified copy of this order.
9. Accordingly, the prayer for the anticipatory bail is allowed.
10. The application being **CRM (A) 2481 of 2023** is disposed of.

11. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

