

26.07.2023

SL. 11

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 2679 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with NDPS Case No. **22 of 2023** arising out of **Gopalnagar** P.S. Case No. **134 of 2023** dated **08.03.2023** under Sections **20(b)(ii)/29** of the NDPS Act pending before the learned Additional Sessions Judge, 6th Court, Barasat, North 24 Parganas cum Special Court NDPS, Barasat, North 24 Parganas.

And

In the matter of: **Pintu Chakraborty alias Babon**

....petitioner.

Mr. Susnigdho Bhattacharyya

Ms. Bidisha Chakraborty

...for the petitioner.

Mr. Sanjoy Bardhan

Ms. Debjani Dasgupta

...for the State.

1. Heard learned Counsel for both the parties.
2. 22 k.g. of ganja were seized from a vehicle. Three persons were arrested at the spot. The present petitioner as stated by the co-accused persons was the driver of the vehicle at the relevant time.
3. To our query, it is answered by learned Counsel for the State that the I.O. has not examined the owner of the vehicle inasmuch as the owner of the vehicle could not be ascertained to find out whether the present petitioner was engaged as a driver at the relevant time by the owner. Charge-sheet is stated to have been filed in the meantime.
4. Regard being had to facts and submissions, factum of permanent residence of the petitioner, nature of evidence and completion of investigation, it is directed that the petitioner shall surrender before the learned Additional Sessions Judge, 6th Court, Barasat, North 24 Parganas cum Special Court NDPS, Barasat, North 24 Parganas within 15 days from today in the NDPS case No. 22 of 2023 arising out of aforesaid P.S. case including the conditions

that i) the petitioner shall appear in the trial before the Trial Court on each date of substantive hearing subject to provision of Section 317 Cr.P.C.; ii) the petitioner shall not leave the jurisdiction of the Trial Court without obtaining prior leave from the said Court. On his appearance and application for bail the petitioner shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.

5. The learned Additional Sessions Judge, 6th Court cum Special Court NDPS is directed to act upon the server copy of this order, if required.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being **CRM (A) 2679 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

