

D/L. 34.
September 22, 2023.
MNS

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (NDPS) 765 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.09.2023 in connection with New Jalpaiguri Police Station Case No. 482 of 2023 dated 26.05.2023 under Sections 21(c)/22(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Md. Aslam

.... Petitioner

Mr. Sourav Ganguly,
Mr. Bibek Tarafder,
Mr. Gopal Roy

... for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Aniruddha Biswas

... for the State.

1. Learned counsel for the petitioner seeks to point out certain discrepancies in the seizure process. The vehicle from which the seizure was allegedly made was a truck, the registration number of which has been disclosed in the FIR as well as the complaint as CS/12S/6459. However, in the seizure list, the truck is mentioned to have registration number as CG/ 12S/6459.
2. The petitioner also places reliance on the RC status obtained from the Vahan website, to show that the owner of the vehicle is someone else than the petitioner. Moreover, allegedly the petitioner is from Bihar, whereas the vehicle is from Chattisgarh, which also creates a doubt on the recovery from the petitioner and his involvement. Hence, it is argued that the petitioner ought to be released on bail.

3. Learned counsel appearing for the State vehemently opposes the prayer for bail and submits that the petitioner was allegedly in the offending vehicle.
4. Moreover, the discrepancy as alleged, is technical and minor since the seizure list correctly mentions the registration number of the vehicle.
5. It is further argued that investigation is going on and if at this juncture the petitioner is released, such release may affect the investigation as well as the petitioner may flee justice.
6. Although learned counsel for the petitioner is agreeable to stringent conditions for grant of bail, we are not inclined to grant bail to the petitioner at this juncture since the investigation is yet going on and charge-sheet has not been filed.
7. Thus, the prayer of the petitioner is refused at this stage.
8. Accordingly, CRM (NDPS) 765 of 2023 is dismissed with liberty to the petitioner to renew his prayer for bail after the charge-sheet is filed.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)