

16.12.2024
Item no. 51.
Court No.29.
AB
(Rejected)

CRM (NDPS) 1728 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bhatar P.S. Case No.31 of 2024 Dated 19.01.2024 under Sections 21C/29 of the NDPS Act read with Sections 201/34 of the Indian Penal Code

And

In the matter of : Asit @ Ashit Sarkar Petitioner.

Mr. Sujan Chatterjee,
Mr. Rohan Bavishi for the Petitioner.

Ms. Anasuya Sinha, Id. APP
Md. Kutubuddin for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he has no connection with the seizure of the contraband items. He is merely the owner of one of the trucks from which commercial quantity of contraband items was seized. He was not present at the spot of seizure. The driver of the concerned truck has been granted bail by this Court. Another accused person by the name of Babrabahu Ghosh has also been enlarged on bail by a Coordinate Bench. He is in custody for about one year. He prays for bail.
2. Opposing the prayer, learned State Advocate draws our attention to the material in the case diary. It appears that Babrabahu Ghosh is the owner of an abandoned vehicle from which there was no recovery of contraband

items. Therefore, this petitioner does not stand on the same footing as Babrabahu Ghosh.

3. It further appears that there is no dispute that this petitioner is the owner of one of the trucks from which recovery was made. The petitioner is unable to explain as to how his vehicle was carrying commercial quantity of contraband items. It is possible that the driver of the truck was not aware of the same being used for transport of contraband items and, therefore, he was granted bail. That would not per se entitle this petitioner to the privilege of bail.
4. In view of the aforesaid, we are not inclined to enlarge the petitioner on bail, at this stage.
5. The prayer for bail is rejected.
6. CRM (NDPS) 1728 of 2024 is dismissed.
7. However, considering that the petitioner is in custody for close to one year, we request the learned Trial Court to expedite the proceedings and conclude the same on an early date.
8. The parties shall communicate this order to the learned Trial Court.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

