

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

14.03.2024
Court No.1
Item. 12
(Suvendu)

CRM(NDPS) 52 OF 2024

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with NDPS Case No. 21/2023 before the learned Judge Special Court (under NDPS Act), 1st Court, Jalpaiguri arising out of New Jalpaiguri Police Station Case No. 169 of 2023 dated 27.02.2023 under Sections 20(b)(ii)(c)/23(c) of the NDPS Act, 1985.

And

In the matter of: Ranjeet Kumar @ Ray @ Ranjit Kumar Ray @ Ranjeet Kumr @ Ray

.Petitioner.

Mr. Joydeep Kanta Bhowmik
Mr. Shubham Kumar
Ms. Rikta Sarkar
Ms. Sayantani Das

For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Kallol Acharjee
Mr. Biswarup Roy

For the State.

1. The petitioner's prayer for bail was rejected by a Coordinate Bench on 21st September, 2023.
2. The petitioner has not established any subsequent events of significance which would persuade us to come to a different conclusion.
3. The petitioner's arguments, as made by learned counsel, of violation of the second proviso to Section 42(1) of the NDPS Act, 1985 is diluted by the Registration Certificate of the vehicle from which the alleged contraband substance was recovered. The RC shows that the vehicle is classified as a "Goods Carrier" and also has a National Permit for multi-axle goods. It is hence arguable whether the petitioner can sustain the argument of violation of the second proviso to Section 42(1) of the NDPS Act, 1985.

4. The explanation to Section 43 clarifies that “public place” would include any public conveyance which is intended for use or accessible to public.
5. In *Abdul Rakib Vs. The State of West Bengal*, CRM(NDPS) 546 of 2023, the Court had come to a *prima facie* finding that the concerned vehicle was not made for public use or transportation.
6. We accordingly do not find any reason for allowing the prayer for bail.
7. CRM(NDPS) 52 of 2024 is hence rejected in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)