

AD-26
Ct No.01
Jalpaiguri
13.08.2024
sp

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

CRM (A) 529 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagrik Suraksha Act, 2023.

And

In the matter of: Pradip Choudhury

.. petitioner

Mr. Gopal Roy

..for the petitioner

Mr. Nilay Chakraborty,
Mr. Biswarup Roy

..for the State

1. The application for anticipatory bail is made on the ground that the petitioner is merely an owner of the commercial vehicle which is a converted Bolero. It is submitted by the learned counsel for the petitioner that the vehicle was hired to one Mimo Das.
2. It appears from the order of the regular bail dated 24th July, 2024 granted in CRM (NDPS) 343 of 2024 under Sections 439 of the Code of Criminal Procedure was allowed by a Co-ordinate bench to Mimo Das, on the ground that he was a helper of the driver of the vehicle. The driver has also been granted regular bail by a Co-ordinate bench.
3. This Court is surprised to note as to how a helper of a driver can be the hirer of the vehicle. The said helper and the driver

fled immediately after being flagged off by the police and the raiding party. The vehicle was seized later and they were arrested.

4. In the facts and circumstances of the case, it would be premature to hold that the consignment did not belong to the petitioner. The absence of the seizure of the contraband from the person of the petitioner may not be a relevant factor at this stage.
5. For the reasons stated above, the application for anticipatory bail is rejected.
6. Interim orders, if any, shall stand vacated.
7. Let the Case Diary be returned.
8. All the parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Ajay Kumar Gupta, J.)

(Rajasekhar Mantha, J.)