

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

Before:

The Hon'ble Mr. Justice Jay Sengupta

CRR 336 of 2025

Saddam Hussain @ Saddam Hassan
Vs.
The State of West Bengal & Ors.

For the Petitioner	:	Mr. Jayanta Banerjee
For the State	:	Ms. Sreyashee Biswas, Ms. Suchismita Dutta.
Heard on	:	18.08.2025
Judgement on	:	18.08.2025

Jay Sengupta, J. :

1. This is an application praying for quashing of a proceeding being Spl. NDPS Case No.32 of 2020 arising out of Islampur Police Station Case No.737/2020 dated 01.10.2020.
2. Report filed on behalf of the State is taken on record.
3. Learned counsel appearing on behalf of the petitioner submits as follows.
Prior to the incident in question, the petitioner had sold away the vehicle from which the contraband was allegedly seized. The vehicle bore registration No.WB92D/7892 and was sold to one Taslim, the opposite party no.3. No investigation has been done in this regard and the petitioner has been wrongly arraigned as an accused in the charge sheet.

4. Learned Counsel appearing on behalf of the State relies on the report and the case diary and submits as follows. From the records available with the Motor Vehicle Department till date the vehicle in question stood in the name of the petitioner. That is why, he was made an accused. No steps, however, been taken for transferring the vehicle. A proclamation has also been issued against the present petitioner. An enquiry has been done and it was found that the agreement in question was genuine. However, the opposite party no.3 was not examined.
5. It is a peculiar case where as the present petitioner was apprehended. The Investigating Officer, thus, could not get the document in question from him. Consequently, the person to whom the petitioner had allegedly sold away the vehicle before the alleged commission of crime was not examined.
6. As the petitioner has only raised disputed questions of fact as grounds in the instant application for quashing, the same can best be decided by the learned Trial Court. If necessary, it shall be at liberty to direct further investigation.
7. The prayer for quashing is, therefore, rejected.
8. However, the petitioner shall also be at liberty to take up all the points before the learned Trial Court at an appropriate stage.
9. As a proclamation has already been issued, that too in the year 2022, anticipatory bail cannot be granted to the petitioner.
10. Therefore, the petitioner shall be at liberty to surrender before the learned Magistrate within four weeks from this date and pray for bail. In such event,

the learned jurisdictional Court shall consider the petitioner's case and pass an appropriate order in accordance with law.

11. With the above observations and directions, the revisional application is disposed of.
12. Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

Sl. 01/NB