

21.05.2025
SL.10
Ct.No.28
NB
(Allowed)

CRM (A) 1365 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Mogra P.S. Case No.44/2025 dated 31.01.2025 under Sections 20(b)(ii)(B)/29 of the NDPS Act.

And

In the matter of : Abhisek Roy

.... petitioner

Mr. Arunava Ganguly.

...for the petitioner.

Ms. Subhasree Patel.

...for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The only material available against the petitioner is that he was the registered owner of the car from which the alleged contraband was recovered. By an authorised agreement, the petitioner had handed over the car to a third person for use. During pendency of this application, the petitioner has supplied copy of the agreement to the Investigating Officer.

Learned counsel appearing on behalf of the State files a report, which is taken on record. She submits that the said third person has admitted that an agreement was entered into between the petitioner and him regarding use of the car. However, according to the individual, the car was returned to the petitioner on 13.12.2024 before the alleged date of occurrence.

Considering the admitted agreement that the petitioner had handed over the car to a third party for use and that there is no document to show that the car was returned back to the petitioner on 13.12.2024, the petitioner has been able to rebut the restrictions contained in Section 37 of the NDPS Act. In view of this and as charge sheet has been submitted, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition not to threaten or intimidate witnesses and to attend the jurisdictional Court on the dates fixed and to appear before the learned Special Court and pray for bail within five weeks from this date.

The application for anticipatory bail being **CRM(A) 1365 of 2025** is, thus, allowed.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)