

28.08.2025
Sl. no. 14
Ct. No. 25
P.M.
(Allowed)

C.R.M. (A) 2151 OF 2025

In re : An application for anticipatory bail under Section 482 of the of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Hogolberia Police Station Case No. 296 of 2024 dated 04.12.2024 under section 21(c)/25/29 of the Narcotics Drugs and Psychotropic Substances Act 1985.

In the matter of : Bappaditya Samanta.

... petitioner

Mr. Soumyajit Das Mahapatra.,
Mr. Supriyo Das,
Ms. Madhuri Sinha
Ms. Upasana Banerjee

.....for the Petitioner.

Mr. Arindam Sen,
Ms. Suveni Banerjee.

.....for the State.

Learned counsel for the State has filed the report of S.I. Monoranjan Das, Hogalberia P.S. KPD, Nadia to the effect that petitioner is still the registered owner of vehicle No. WBN02AA-2965 from which allegedly the commercial quantity of substances were recovered.

Learned counsel for the State has fairly submitted that besides this there is no other material as of now against the petitioner.

Learned counsel for the petitioner submits that though the petitioner is the registered owner in the Vahan portal but actually the ownerdhip of the

vehicle had changed as mentioned in the letter dated 13th May, 2025 given to the I.O.

Learned counsel has also placed reliance upon the latest judgement of Apex Court in **Biswajit Dey – Vs. State of Assam** (2025) 3 Supreme Court Cases 241 wherein in was inter alia as under :

“33. Though seizure of drugs/substances from conveyances can take place in a number of situations, yet broadly speaking there are four scenarios in which the drug or substance is seized from a conveyance. First, where the owner of the vehicle is the person from whom the possession of contraband drugs / substance is recovered. Secondly, where the contraband is recovered from the possession of the agent of the owner i.e. like driver or cleaner hired by the owner. Thirdly, where the vehicle has been stolen by the accused and contraband is recovered from such stolen vehicle. Fourthly, where the contraband is seized/recovered from a third party occupant (with or without consideration) of the vehicle without any allegation by the police that the contraband was stored and transported in the vehicle with the owner’s knowledge and connivance. In the first two scenarios, the owner of the vehicle and/or his agent would necessarily be arrayed as an accused. In the third and

fourth scenario, the owner of the vehicle and/or his agent would not be arrayed as an accused.”

The prosecution has not placed any material on record that the drugs were kept in WB02AA-2965 with knowledge and connivance of the petitioner.

Thus, taking into the facts and circumstances of this case let the petitioner join the investigation in case I.O. feels necessary of affecting the arrest of the accused he may be released on pre-arrest bail by furnishing personal bond of Rs. Rs. 10,000/- (Rupees ten thousand only) with two sureties of like amount each, one of whom shall be local, to the satisfaction of the Investigating Officer, subject to the conditions that he shall join and cooperate in the investigation as and when directed by the Investigating Officer and at any point of time shall not threaten, tamper or intimidate the complainant or members of the family in any manner.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Dinesh Kumar Sharma, J.)