

11/09/2025

D/L 26

Ct. No.28

S.Kundu

Rejected

C.R.M.(A) 2607 of 2025

In Re:- An application for anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 438 of the Code of Criminal Procedure. In connection with Nakashipara P.S. case no. 412 of 2025 dated 25.4.2025 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

In the matter of: **Bapi Sarkar**

... Petitioner

Mr. Rajdeep Majumder, Sr. Adv.

Mr. Asraf Mondal

Mr. Soumya Raha

...for the petitioner.

Mr. Md. Adil Badr

Mr. Sujoy Sarkar

...for the State.

1. Learned senior counsel appearing for the petitioner submits as follows. The petitioner is the owner of the Scorpio vehicle in question which was given for running commercially to the Driver of the vehicle. It was allegedly intercepted from the different place with about 148 KGs of Ganja. The Driver is solely responsible for this. As against the petitioner there is no other incriminating material available except for the statement of the co-accused. There is no question of invoking presumption of Section 35 or Section 54 of the NDPS Act.
2. Learned counsel appearing for the State relies on the case diary and opposes the prayer for anticipatory bail. He submits that the petitioner is the registered owner of the vehicle in question. There is no document or permit to

show that the vehicle was being run on commercial basis and given to the Driver. Huge quantity of contraband was seized from the vehicle. Even if, the presumption under Section 35 of the NDPS Act is not invoked, anticipatory bail cannot be granted to the petitioner in view of the restrictions contained in Section 37 of the NDPS Act.

3. Considering the incriminating materials available in the case diary including the fact that the petitioner was the registered owner and in view of the restrictions contained in Section 37 of the NDPS Act, I am not inclined to grant anticipatory bail to the petitioner.
4. Accordingly, the application for anticipatory bail is rejected.
5. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)