

16/12/2025
D/L – 29
Court No.28
S. Kundu
Allowed

C.R.M.(A) 3632 of 2025

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Murutia P.S case no. 217 of 2025 dated 14/8/2025 under sections 21(c)/25 of the NDPS Act.

In the matter of: Murshida Karikar @ Murshidada Karikar

...Petitioner.

Mr. Sumanta Das

...for the petitioner.

Mr. Debasish Roy

Mr. Pravash Bhattacharyya

Ms. S. Dutta

...for the State.

1. Report filed on behalf of the State is taken on record.
2. Learned counsel appearing for the petitioner submits as follows. The petitioner was indeed the owner of the truck in question from where the contraband was recovered. However, way back in 2024, this truck was handed over to one Dukhu Sardar for running it. But the said Dukhu Sardar neither returned nor delivered back the truck. This prompted the petitioner to file an application under Section 97 of the Code on 22.8.2024. This led to filing of G.D Entries in December, 2024. No truck could be recovered. In 2025, this truck has been caught with contraband, for which the petitioner is not responsible.
3. Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. However, they submit

that two G.D Entries Nos. 461 and 468 both dated 13.12.2024 were lodged in connection with the petitioner's application for return of vehicle. However, no vehicle could be seized.

4. It appears that the only material available in the case diary against the petitioner is that the petitioner was the registered owner of the vehicle in question. However, it also appears that way back in 2024 the petitioner had filed an application for return of vehicle claiming that it had been taken by somebody else. Two G.D Entries were also lodged but nothing could be recovered.
5. Considering the above, I am of the view that the petitioner has been able to rebut the restrictions contained in Section 37 of the NDPS Act and in view of the other materials available in the case diary, I do not think that custodial interrogation of the petitioner is required in this case and I am inclined to grant anticipatory bail to the petitioner.
6. In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to further conditions that the petitioner shall cooperate with the investigation and shall not threaten or intimidate the witnesses. The petitioner shall meet the I.O once a fortnight till submission of report in final form.

7. Let the investigation of the case be conducted under the supervision of the Superintendent of Police, Krishnanagar Police District.
8. The personal appearance of the Investigating Officer is noted and is dispensed with.
9. Accordingly, the application for anticipatory bail is allowed.
10. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)