

IN THE HIGH COURT AT CALCUTTA
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

10.06.2025
(ct. no.02)
79
Kausik

CRR 67 of 2025

In Re: An Application under Section 482 read with Section 401 of the Code of Criminal Procedure 1973/Section 442 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No. 04 of 2023 arising out of Alipurduar Police Station Case No. 359 of 2023 dated 04.11.2023 under Sections 21(c)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

In the matter of : Subir Bhattacharya

.... Petitioner.

Mr. Kunal Ganguly
Ms. Juin Dutta Chakraborty
Ms. Rinka Chakraborty

.... For the petitioner

Mr. Ujjwal Luksom
Mr. Tapan Bhattacharjee

.... For the State

Petitioner has challenged the proceedings being NDPS Case No. 04 of 2023 arising out of Alipurduar Police Station Case No. 359 of 2023 dated 04.11.2023 wherein the police authorities after conclusion of investigation submitted charge sheet under section 21(c)/25/29 of the NDPS Act, 1985.

Learned advocate appearing for the petitioner submits that the petitioner is innocent of the charges and he has been implicated in the instant case as he has been shown

to be owner of vehicle. Petitioner has relied upon a document which is a notarized document reflecting that he has authorised another person to operate the vehicle. It is therefore claimed that the petitioner should not be asked to face the ordeal of trial of the instant case.

Learned advocate for the State on the other hand submits that charges have been framed in connection with the instant case and at the stage of consideration of charges such an issue was never canvassed before the learned trial court. Having regard to the emphasis laid on a document which lacks the character of a public document at this stage prior to the veracity of the document being tested in course of the trial, I am not inclined to summarily interfere in the regular progress of the proceedings.

Accordingly, CRR 67 of 2025 is dismissed. Pending applications, if any, be consequently disposed of. Interim order, if any, is hereby vacated.

All parties to act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)