

04.09.2025
Ct. No.3
Sl. No.41
Mujahid

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

C.R.M. (NDPS) 340 of 2025

In Re: An application for bail under Section 483 of the BNSS, 2023 in connection with **Falakata** P.S. Case No. **424 of 2024** dated **05.11.2024** under Sections **18(b)/25.29** of the NDPS Act, 1985.

-And-

In the matter of: **Pintu Dey**

...Petitioner

Mr. Sudip Guha,
Ms. Ankita Nag

...for the Petitioner

Mr. Abhijit Sarkar,
Mr. Bhaskar Das

...for the State

1. Learned counsel for the petitioner submits that petitioner is the owner of the vehicle no. WB 74 AS 6447. However he submits that as per his instructions, the petitioner had sold the vehicle, but ownership could not be changed in the official records. Learned counsel further submits that petitioner had no control over the mother-cycle and had no knowledge about the contraband in the motor-cycle. Learned counsel for the petitioner has placed reliance upon the latest judgment of the Supreme Court in Bishwajit Dey vs. The State of Assam, Criminal Appeal No.87 of 2025.

2. Learned counsel for the State has opposed the bail application in view of Section 37 of the NDPS Act. Learned

counsel submits that petitioner is a registered owner of the vehicle from which contraband was recovered.

3. In Bishwajit Dey (supra) the Apex Court, inter alia, held as under:-

“29. 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. Firstly, 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, the accused and 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.”

4. In the present case, the State has not brought anything to the notice of the court that the contraband was stored and transported in vehicle no. WB 74 AS 6447 with the petitioner’s knowledge of connivance.

5. In absence of the same, the court considers that rigour of Section 37 of the NDPS Act may not apply in this case.

6. Therefore, the prayer of bail is considered and allowed.

7. Accordingly, the petitioner shall be released on bail upon furnishing a personal bond of Rs.20,000/- each, with two sureties of the like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court (NDPS) at

Alipurduar and also on condition that the petitioner shall not leave the jurisdiction where the petitioner reside. The petitioner shall make themselves available as and when the dates are fixed by the learned trial court and would cooperate with the trial of the case.

8. Accordingly, **C.R.M. (NDPS) 340 of 2025** stands disposed of.

9. Urgent Photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties upon compliance of all legal formalities.

(Dinesh Kumar Sharma, J.)