

CMC 6 of 2026

Order no.2

04.06.2026

CMC 6 of 2026 (CRM No.759/2026) in the matter of an application for anticipatory bail filed on 01.06.2026 in connection with Falakata PS case no.405 of 2025 dated 28.08.2025 u/s 20(b) (ii) (C)/25 of the NDPS Act 1985.

It is contended by the petitioner that long before institution of the present case being Falakata PS case no.405 of 2025 dated 12.08.2025 she had already sold the scooty bearing registration no.WB 70J 4664 to one Firoj Alam, s/o Rabiul Alam of Dakhin Khagerbari, PS Madarihat through a valid sale agreement and thereafter the petitioner lost possession, control and use of the said vehicle and that the petitioner was not in conscious possession of the alleged contraband articles at any point of time and that the principal accused person was already arrested with seized articles and that the petitioner has co-operated with the investigating agency after receiving notice under section 67 of the NDPS Act and that the custodial interrogation for the petitioner is not necessary and that she shall not abuse the process of law. A pre arrest bail is necessary for her sustenance.

The learned PP in charge has submitted that necessary order may be passed in this case.

I have carefully gone through the materials on record. In this case charge sheet has been submitted vide C/S no.593 of 2025 dated 26.12.2025 under section 21(c)/25/29 of the NDPS Act against accused Jahirul Haque @ Ajibul and Bulbuli Karjee. The allegations on the charge sheet are including section 25 of the NDPS Act. This section is attracted when an offender knowingly allows any conveyance under his control and possession for use for transportation of the contraband. In view of the same, I opine that custodial interrogation for this petitioner is necessary. Moreover, liability of a registered owner of a motor vehicle does not end with mere transfer of the movable property without giving effect to change of ownership of it as per the Motor Vehicles Rules. The petitioner relies upon one unregistered agreement for sale of the scooty bearing no.WB 70J 4664 in support of her contention but in the eye of law the transaction is incomplete. The allegations attract dealing of contraband substances in commercial quantity. The rigors of section 37 of the NDPS Act has not been displaced. Therefore, the prayer for anticipatory bail is **rejected**.

The criminal Misc Case being no.425 of 2026 is disposed of.

d/c

Judge, Special Court
(NDPS), Alipurduar
J.O Code WB 00767