

NDPS 11/2021 (C.I.S No. 11/2021)
CNR: WBWM01-004010-2021
Present: Smt. Mandakranta Saha (JO Code WB 00825)

Order No. 21 , Dated: 30.09.2022

Record is put up today on the strength of put up petition.

The accused , namely, Pintu Chakraborty has surrendered before the Court. He has filed a bail petition praying for bail.

The Ld. Advocate for the petitioner argued that the petitioner has no nexus with the present case apart from his name appearing in the charge sheet there is no recovery of contraband articles from his possession.

The Ld. P.P in charge produced the C.D.

Heard both sides, perused the case diary in details.

It appears from the charge sheet that accused persons, namely, Rohit Sharma and Pritam Das were apprehended while transporting contraband substances in Bolero Pick-up van bearing no. WB-11E/9805 from Odisha side through NH-60. I.O. of this case initially submitted charge sheet against both of these accused persons on 05.10.2021. It is stated in that charge sheet that both Rohit Sharma @ Rahul and Pritam Das are forwarded by the charge sheet for facing trial keeping provision for supplementary charge sheet on receiving chemical examination report. On the basis of such charge sheet cognizance was taken and trial began in the instant case. After completion of trial the case ended in acquittal of both accused persons , namely, Rohit Sharma @ Rahul and Pritam Das. The judgement of acquittal in N.D.P.S. 11/2021 was pronounced on 22.04.2022. Thereafter, on 01.06.2022 one Pintu Chakraborty filed a put up petition along with all documents relating to the vehicle referred above (bearing No. WB-11E/9805) and prayed for return of vehicle in N.D.P.S. 11/2021. This Court, vide order no. 17 dated 01.06.2022 passed in N.D.P.S. 11/2021 directed the I.O. to submit report regarding return of vehicle as well as with further direction to inform this Court whether any further investigation is pending with regard to the seized vehicle bearing No. WB-11E/9805 and as well as its owner.

This case record further speaks that on receiving the copy of order no. 17 dated 01.06.2022 the last I.O. Sub-Inspector Narendranath Sadhu appeared before the Court on 18.06.2022 and submitted a prayer seeking an opportunity for filing supplementary charge sheet against owner of the vehicle. Thereafter on 01.09.2022 Sub-Inspector Narendranath Sadhu submitted a supplementary charge sheet against accused Pintu Chakraborty, the registered owner of the vehicle bearing No. WB-11E/9805 along with relevant documents. Cognizance was taken vide order no. 19 dated 01.09.2022 on the basis of such supplementary charge sheet and W/A was issued against the charge sheeted accused persons , namely, Pintu Chakraborty.

Subsequently, this Pintu Chakraborty brought the instant Criminal Misc. Case u/s 438 of Code of Criminal Procedure on 08.09.2022 vide Criminal Misc. Case No. 15/2022. No doubt, substantial portion of investigation with regard to accused persons , namely, Rohit Sharma @ Rahul and Pritam Das ended long back without any whisper in the original charge sheet regarding the role of accused Pintu Chakraborty. By virtue of the supplementary charge sheet, accused Pintu Chakraborty is implicated in this case. Investigation is already completed long back. It is also found that Rohit Sharma @ Rahul and Pritam Das were acquitted from the case. It is pertinent to state here that in course of investigation regarding the nexus of the owner of seized vehicle in transportation of Cannabis, the C.D. does not show any attempt of I.O. for arrest of the accused for the purpose of custodial interrogation and other aspects of investigation. The statements of the witnesses found in the C.D. show no incriminating materials against the accused Pintu

Chakraborty. In such back drop the prayer for bail of accused Pintu Chakraborty is allowed.

Hence, it is

Ordered

that the accused Pintu Chakraborty s/o Samir Chakraborty be released on bail of ₹ 10,000/- with two registered sureties of ₹ 5000/- each with direction to appear before the Court on each and every date , in default, to judicial custody.

If on bail, fix 09.12..2022 for appearance and supply of copy

Recall E/R of W/A of Pintu Chakraborty.

Let a copy of this order be sent to Learned Chief Judicial Magistrate, Paschim Medinipur for information and necessary action.

Dict. & Corr. by me.

Sd/- M. Saha
Judge, Special Court,
N.D.P.S. Act.
4th Court , Paschim Medinipur.

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Judge, Special Court,
N.D.P.S. Act.
4th Court , Paschim Medinipur.

**Office of the Judge, Special Court,
N.D.P.S. Act, Paschim Medinipur.**

Memo No. Dated

Copy of Order No. 21 , Dated: 30.09.2022 in connection with N.D.P.S. 11/2021 is forwarded for information and necessary action to the Learned Chief Judicial Magistrate, Paschim Medinipur.

Judge, Special Court,
N.D.P.S. Act
Paschim Medinipur

