

13.12.2021
SL No.1
Court No.1
(gc)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 57 of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with C.R. NDPS Case No.75 of 2019 arising out of Directorate of Revenue Intelligence, Siliguri Regional Unit Seizure Case No.01/CL/Narcotics Drugs and Psychotropic Substances Act, 1985/DRI/SLG/2019-20 dated 02.10.2019 under Sections 8(C)/20(b)(ii)(C)/29 of the N.D.P.S. Act.

And
In the matter of : **Charanjit Singh**

- Petitioner.

Mr. Jayanta Narayan Chatterjee,
Mr. Nazir Ahmed,
... For the Petitioner.

Mr. Ratan Banik,
... For the Opposite Party.

The learned Counsel for the petitioner submits that the petitioner is innocent and summons has been issued against him on the basis of the statement of a co-accused which is inadmissible in evidence.

The learned Counsel for the prosecution, however, opposes the prayer for anticipatory bail and submits that the warrant of arrest is pending against the petitioner and he is one of the persons named in the charge-sheet.

Having regard to the fact that the name of the petitioner transpired during the interrogation of the accused person which is inadmissible in evidence and having regard to the fact that the petitioner is able to rebut the statutory restrictions under Section 37 of the NDPS Act, we are inclined to grant anticipatory bail to the petitioner. The prayer for anticipatory bail is, accordingly, allowed.

Accordingly, we direct that in the event of arrest the petitioner, **Charanjit Singh**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

This order shall remain valid for six weeks from this date within which time, the petitioner shall surrender and obtain regular bail from the Trial Court. We make it clear that the Trial Court while deciding the application for grant of regular bail shall take a decision independent of the observations made by us in this order.

The application for anticipatory bail, being CRM No.57 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Biswajit Basu, J.)

(Soumen Sen, J.)