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CIRCUIT BENCH OF CALCUTTA HIGH COURT AT JALPAIGURI

C.R.M. 158 of 2021

(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No. 598/2019 dated 15.09.2019 under Sections 20(b)(ii)(c)/25/29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

In the matter of : **Supriya Chaki**

... **petitioner**

Mr. Ayan Basu
Mr. Hillol Saha Poddar

.....For the petitioner

Mr. Arun Sarkar
Mr. Sourav Ganguly

.....For the State

An order was passed on 18th December, 2020 by which a coordinate bench was pleased to direct that the petitioner shall not be arrested in connection with the case a period of six weeks after the Christmas Vacation or until further order, whichever is earlier.

Learned counsel appearing for the petitioner submits that pursuant to the direction in the matter, the original power of attorney has been deposited for verification and the S.I. of Police has filed a verification report pursuant thereto, which is before us today.

It appears from the submissions made on behalf of the parties that the petitioner had executed a power of attorney in favour of a third party who was plying a vehicle at the time when the prohibited articles were recovered from the vehicle.

On hearing learned counsel, we are of the view that since the driver of the vehicle is already in custody, the petitioner need not be detained only for the purpose of investigation.

The petitioner shall, however, not leave the jurisdiction of Kotwali Police Station, Jalpaiguri and will cooperate with the investigating authority. The petitioner will appear before the investigating authority every week or in accordance with the necessity of the case as required and as communicated to the petitioner by the investigating authority.

In addition to the aforesaid condition, the petitioner will submit local surety of Rs.20,000/-.

CRM 158 of 2021 is allowed in terms of the above.

(Md. Nizamuddin, J.)

(Moushumi Bhattacharya, J.)