

18.02.2021
SL No. 30
Court no. 1
S.Dutta

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
(Through Video Conference)
C.R.M. 221 of 2021**

In Re: - An application for bail under Section 438 of the Code of Criminal Procedure.

Mr. Debjit Kundu

..For the petitioner.

Mr. A.S. Chakraborty

Mr. Sourav Ganguly

..For the State.

This is an application for anticipatory bail u/s. 438 Cr.P.C as the petitioner is apprehending arrest in connection with Alipurduar P.S. Case No. 144/2018 dated 13.04.2018 u/s. 20 (b)(ii)(c) of the NDPS Act (NDPS Case No. 13/2018).

It is submitted that the petitioner was the owner of the vehicle which was carrying the narcotic substances being Ganja more than 20 k.g. which was seized from the accused persons. It is submitted that the petitioner is not involved as he has already sold the vehicle on 09.10.2017.

We have considered the materials on record and find that the vehicle being no. WB-63A 2974 is hypotheticated from the Tata Motors Finance Ltd. From which, the ownership has not been changed.

The learned counsel appearing for the State opposes the prayer for bail.

In view of the legal bar under section 37 of the NDPS Act, the prayer for anticipatory bail is refused.

Thus CRM 221 of 2021 is disposed of.

(Hiranmay Bhattacharyya, J.) (Shivakant Prasad, J.)