

02.12.2021

Item No.3

Ct.No.1

dc./gsd

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

C.R.M. 469 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 Jalpaiguri Kotwali Police Station Case No. 500 of 2020 dated 11.8.2020 under Sections 20 (ii) (c), 25 and 29 of the NDPS Act, 1985 (NDPS Case No. 46 of 2020).

And

In the matter of : **Saleem Ahmed alias Salim Ahmed**
... Petitioner.

Mr. Arnab Sengupta
Ms. Deborshi Dhar

... for the petitioner

Mr. A. S. Chakraborty
Mr. Sourav Ganguly

... for the State.

The Learned Advocate for the petitioner submits that the petitioner is innocent of the charges and has been falsely implicated in the instant case. Additionally, Learned Advocate submits that as he has taken a vehicle on hypothecation and could not pay the EMI, he had given it to somebody else for plying for the purpose of carriage and in the meantime, the present case has surfaced. To that effect, certain documents have been enclosed along with the application to which the petitioner relies upon.

There were earlier order passed by this Court. However, the Learned Advocate for the State on the earlier occasion has submitted that charge sheet has not been filed. Today, Mr. Sourav Ganguly, Learned Advocate appearing for the State, submits that in August, 2021, charge-sheet has already been submitted before the jurisdictional Court with the prayer for filing supplementary charge-sheet.

We have perused the materials on record including the case diary and having regard to the submissions which have been made by the Learned Advocate appearing for the petitioner, we are of the view that the same requires to be investigated regarding the authenticity of the document, so relied upon, which is part and parcel of the investigation, not the jurisdiction of this Court to extend such relief.

Considering the facts that the vehicle was used for the purpose of the alleged offence as complained of by the prosecution for which charge-sheet has already been submitted, we are of the opinion that this is not a fit case for releasing the petitioner on anticipatory bail. The prayer for anticipatory bail is **rejected**.

The application for anticipatory bail, being CRM 469 of 2021 is dismissed.

All parties shall act on the server copy of this order, duly obtained from the official website of the Hon'ble High Court Calcutta.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)