

29.11.2021

Item No.35

Ct.No.1

dc./gsd

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

C.R.M. 733 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 Falakata P.S. Case No. 179 of 2017 dated 17.7.2017 under Sections 20(b)(ii) of the NDPS Act (NDPS Case No. 36/2017).

And

In the matter of : **Jugal Sarkar**

... Petitioner.

Mr. Joydeep Kanta Bhowmik

... for the petitioner

Mr. A. S. Chakraborty

Mr. Sourav Ganguly

... For the State.

Pursuant to the earlier direction, the Investigating Officer of the case has submitted a report of Mekhliganj Sub Division Hospital. Let the same be kept with the record.

Learned Advocate for the petitioner submits that the petitioner apprehends arrest in connection with the instant case although he has no complicity in respect of the subject-matter of the case. Learned Advocate additionally submits that there was no recovery from the present petitioner and he has been implicated on the basis of the statement of the co-accused.

Learned Advocate for the State produces the original case diary. However, the Learned Advocate could not

controvert the contention of the petitioner that he has been implicated on the basis of the statement of the co-accused.

Having regard to the materials appearing against the present petitioner, we are of the view that, prima facie, the petitioner has overcome the rigors of Section 37 of the NDPS Act and, as such, he is entitled to the relief as sought for.

Accordingly, if the petitioner appears/surrenders before the Learned Additional Sessions Judge, 2nd Court, Jalpaiguri, being a Court presiding over NDPS Case within four weeks from date, in that event the Learned Special Court will release the petitioner on bail on such terms and conditions as the Learned Court thinks fit and proper.

Additionally, the Learned Court would impose condition of meeting the petitioner with the Inspector-in-charge Falakata P.S. once a week until further orders.

This order will remain in force for a period of four weeks. In case the petitioner does not appear/surrender, the Learned Court would be at liberty to exhaust harsher process of law.

The Investigating Officer of the case is present. His personal appearance stands dispensed with.

The application for anticipatory bail, being CRM 733 of 2021 is disposed of.

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.)