

2.12.2021
Court No.01
Item No. 8
Sh/Sb

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

C.R.M. 953 of 2021
(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed in connection with Kotwali Police Station Case No. 149 of 2020 dated 27.2.2020 under Sections 20(ii)(c)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : **Rajendra Kumar Yadav.....**

Petitioner

Mr. Rajdeep Majumber
Ms. Arushi Rathore.....

For the Petitioner

Mr. Aditi Shankar Chakraborty
Mr. Biswarup Roy.....

For the State

Mr. Majumder, learned advocate for the petitioner submits that the petitioner has been implicated in the instant case because he is the registered owner but the vehicle was leased out to a different person who was in charge and responsible for day to day plying of the said vehicle, which has been described as the offending vehicle in terms of the prosecution case. Learned advocate further submits that the telephone number which has been collected is also the number of the person who was in possession of the vehicle and to whom the vehicle was leased out, the same does not belong to the present petitioner.

Learned advocate for the State opposes the prayer and submits that charge-sheet has already been submitted in the instant case and the petitioner's name is transpiring.

As the subject matter of the case involves commercial quantity, we are not inclined to extend the benefit of anticipatory bail to the present petitioner. As such the prayer of the petitioner for anticipatory bail is refused.

However, the petitioner is granted 20 days' time within which he shall not be arrested. The petitioner shall produce all the documents on which he has relied upon before the Investigating Officer for perusal, consideration, assessment and scrutiny of the Investigating Officer. The Investigating Officer would submit a report before the Special Court after ascertaining the truth, genuinity of the document as well as the contention of the present petitioner before the Id. Special Court-in-charge of the case under the NDPS Act having jurisdiction over the instant case. The petitioner would thereafter surrender and pray for regular bail. The Id. Special Court would independently consider on the report of the Investigating Officer which would be submitted and thereafter decide whether the custody of the petitioner is required for the purpose of this particular case.

With the aforesaid observations, CRM 953 of 2021 is disposed of.

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

(TIRTHANKAR GHOSH, J)

(SUBRATA TALUKDAR, J)