

06.02.2023

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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (A) 3 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 02.01.2023 in connection with Rajganj Police Station Case No. 374 of 2022 dated 25.06.2022 under Sections 21 (c) of the NDPS Act.

In the matter of : Yakub Ali

... petitioner

Mr. Arijit Ghosh,
Ms. Swarnali Ghosh (Sengupta)

...for the petitioner

Mr. Nilay Chakraborty,
Mr. Tapan Bhattacharjee

.....for the State.

Heard learned counsel for the parties.

Learned counsel appearing for the petitioner contends that the petitioner was indicted merely on the allegation of a co-accused. That apart, there was no recovery at all from the petitioner at any point of time. Thirdly, it is contended that charge sheet had already been submitted. Hence, the petitioner prays for anticipatory bail.

Learned counsel appearing for the State opposes the prayer for bail.

However, it transpires that the statement of a co-accused was the sole basis of indicting the petitioner. As

such, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, CRM (A) 3 of 2023 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall comply with the conditions as stipulated in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court (under NDPS Act) at Jalpaiguri and on further condition that the petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend trial on each and every date.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)