

D/L 233
February 2, 2023
MNS

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 8 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 NDPS Case No. 40 of 2020 arising out of Kumargram Police Station Case No. 129 of 2020 dated 11.07.2020 under Section 18(b) of the Narcotics Drugs and Psychotropic Substances Act, 1985 and subsequently chargesheet has been submitted vide Chargesheet No. 218 of 2020 dated 11.07.2020 under Section 18(b) of the Narcotics Drugs and Psychotropic Substances Act, 1985 and supplementary chargesheet has been submitted vide Chargesheet No. 1 of 2022 dated 16.01.2022 under Sections 18(b)/25/29 of the Narcotics Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Vijaypal Singh

.... petitioner

Mr. Anirban Banerjee

... for the petitioner

Mr. Sourav Ganguly

... for the State

Learned counsel for the petitioner submits that the petitioner is in no way involved in the incident and the offence alleged against him.

Learned counsel for the State opposes the prayer for anticipatory bail and submits on the basis of the case diary that the petitioner's name has been transpired in the supplementary charge-sheet and not before that.

It appears that there was no recovery from the petitioner and his name was revealed by the other co-accused persons. Materials

available against him may raise suspicion as to his role, at least *prima facie*.

Considering the facts and circumstances of the case, this court is of the opinion that the prayer for anticipatory bail of the petitioner may be allowed.

Hence, CRM (A) 8 of 2023 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall satisfy the stipulations 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/- each, 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, Jalpaiguri. The petitioner shall not leave the jurisdiction of the trial court during the entire period of trial without leave of the court.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)