

AD-184
Ct No.01
Jalpaiguri
09.02.2023
TN

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

CRM (A) 36 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 05.01.2023 in connection with Alipurduar Police Station Case No. 461 of 2021 dated 26.12.2021 under Sections 20(b)(ii)(c)/25/29 of the NDPS Act, 1985.

And

In the matter of: Prabal Roy

.... petitioner

Mr. Partha Pratim Sarkar,
Mr. Biswajit Das,
Mr. Sandip Guha Roy

... for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Biswarup Roy

... for the State

Learned counsel for the petitioner contends that the driver of the allegedly offending truck was granted bail vide order dated February 08, 2023 passed in CRM (NDPS) 73 of 2023.

Since the petitioner is the owner of the said vehicle, on the ground of parity, the petitioner ought to be granted anticipatory bail.

Learned counsel for the State opposes the prayer.

However, on the ground of parity, CRM (A) 36 of 2023 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall comply with the conditions 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 personal bond of Rs.10,000/-, 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 attend on each and every date of trial and shall cooperate fully with the trial.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)