

AD-186
Ct No.01
Jalpaiguri
09.02.2023
TN

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

CRM (A) 40 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 06.01.2023 in connection with Kotwali Police Station Case No. 315 of 2020 dated 18.05.2020 under Sections 20(ii)(C)/25/29 of the NDPS Act, 1985.

And

In the matter of: Ganapati Mandal

.... petitioner

Mr. Shubhankar Dutta,
Mr. J.K. Bhowmick,
Mr. Some Dutta Patra

... for the petitioner

Mr. Saikat Chatterjee,
Mr. Arjun Chowdhury

... for the State

Learned counsel for the petitioner submits that the petitioner is the owner of the alleged offending vehicle. The vehicle was apprehended along with the driver of the same on the alleged offence. The name of the petitioner was apparently disclosed by the driver at the time of arrest.

It is further submitted that the petitioner is in no way involved with the alleged offence.

That apart, the charge-sheet has already been filed on May 17, 2021.

The inventory was submitted about 9 days subsequent to the alleged offence.

Learned counsel for the State opposes the prayer for anticipatory bail and submits that the petitioner is a resident of Malda. However, upon query, it is submitted that the FSL report has not yet been filed.

Keeping in view the fact that the FSL report has not yet been filed and considering the other surrounding circumstances, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, CRM (A) 40 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 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 when the same commences and shall make himself available for being presented in the trial court as and when so required.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)