

D/L 67
February 9, 2023
MNS

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

CRM (A) 67 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 18.01.2023 in connection with Alipurduar Police Station Case No. 367 of 2022 dated 21.07.2022 for the alleged offence under Section 21(C)/25 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: Kalyan Kuamar Majumdar @
Kalyan Kumar Majumder

.... petitioner

Mr. Sandeep Dutta

... for the petitioner

Mr. Nilay Chakraborty,
Mr. Sourav Ganguly

... for the State

Learned counsel for the petitioner submits that the petitioner is merely the owner of the alleged offending vehicle and was not named in the FIR initially. Subsequently, on the basis of the statement of the co-accused, the petitioner was sought to be entangled in the present case.

Learned counsel for the State opposes the prayer for anticipatory bail of the petitioner and submits that the petitioner is the owner of the offending vehicle and, as such, the prayer for anticipatory bail ought to be refused.

However, keeping in view the nature of the allegation against the petitioner, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, CRM (A) 67 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/-, 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 territorial jurisdiction of the concerned police station during the entire period of investigation and shall meet the Investigating Officer as and when required.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)