

04.07.2023
Item no.30
Court No.1.
AB
(Allowed)

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

CRM (A) No.440 of 2023

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Alipurduar Police Station Case No.480 of 2022 Dated 22.9.2022 under Sections 20 (b)(ii)(C)/25 of the NDPS Act

And

In the matter of: Kalpana Sarkar Petitioner.

Mr. Hillol Saha Poddar,
Ms. Mousumi Das for the Petitioner.

Mr. Tapan Bhattacharya,
Mr. Arjun Chowdhury for the State.

Heard learned Advocate for the petitioner and learned Advocate for the State.

It is contended on behalf of the petitioner that the present accused petitioner's vehicle has been seized while allegedly carrying commercial quantity of contraband article. It is further contended on behalf of the petitioner that much prior to such seizure, the seized vehicle had been transferred.

While opposing the prayer for anticipatory bail, it is submitted on behalf of the State that from the RTO register/ documents, the name of the present accused petitioner still transpires as the owner of the seized vehicle.

We have perused the entire materials of the case diary. We have also considered the submissions of the learned

Advocates for the parties. It appears that investigation has already been completed. Such being the position, we are inclined to allow the prayer for anticipatory bail of the petitioner.

Accordingly, in the event of arrest, the petitioner, namely Kalpana Sarkar shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, to the satisfaction of the learned Judge, Special Court under the NDPS Act at Jalpaiguri and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that within twenty one days from the date of obtaining a certified copy or a server copy of this order, whichever is earlier, the petitioner shall appear before the learned Trial Court, failing which it would be treated that this Court has passed no order of anticipatory bail.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. (A) No.440 of 2023 is, thus, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)

