

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

14.08.2023
Court No.1
Item. 85
(sg)

CRM(A) 604 OF 2023

In Re: An application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973 filed in connection with Birpara Police Station Case No. 40 of 2023 dated 01.04.2023 under Section 21(c)/25/29 of NDPS Act, 1985.

And

In the matter of: AFGAR ALI @ NATU

.Petitioner.

Mr. Kumar Shantanu

For the Petitioner.

Mr. Kallol Acharjee
Ms. Namrata Das

For the State.

1. It is submitted on behalf of the petitioner that he is the owner of the vehicle and is not in any way involved with the offence alleged.
2. So he prays that custodial interrogation in respect of the accused petitioner is not necessary.
3. Learned counsel appearing for the State submits that there is sufficient incriminating materials which indicate about the prima facie involvement of the accused petitioner with the alleged offence. So he prays for rejection of the petition.
4. Learned counsel further submits that the investigation process is still going on and the charge-sheet has not yet been submitted.
5. We have considered the submission advanced by both the parties.
Perused the materials placed before us.

6. It appears that the investigation process is still going on and the documents gathered in the case diary indicate about that the alleged involvement of the accused person with the alleged offence.
7. We are of the opinion that the anticipatory bail which is extra-ordinary in nature cannot be granted to the accused person.
8. Thus the petition filed by the petitioner is hereby rejected.
9. CRM(A) No. 604 of 2023 is hereby disposed of.

(PRASENJIT BISWAS,J.)

(MOUSHUMI BHATTACHARYA,J.)