

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

**04.01.2023
Court No.1
(SKB 53)**

CRM(A) 581 OF 2022

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with NCB Crime No. 17/NCB/KOL/2022 dated 11.06.2022 under Section 8(c) of the NDPS Act read with Section 20(b)(ii)(C) of the NDPS Act and corresponding to NDPS case no.55 of 2022.

And

In the matter of: **Prabhat Sarkar**

.**Petitioner.**

Mr. Arjun Chowdhury,
Mr. Sudip Guha,
Ms. Pratusha Dutta Chowdhury

... For the Petitioner.

Mr. Aditi Sankar Chakraborty,
Mr. Sourav Ganguly

... For the State.

Mr. Sudipto Kumar Mazumdar, D.S.G.I.,
Mr. Ajoy Kumar Singhanian

... for the N.C.B.

The petitioner's case is that narcotic substance was not received from the custody of the petitioner. The document shown by N.C.B. states that the petitioner received the narcotic substance from one Subhas Chandra Mondal and was then sold by the petitioner in different parts of the State.

After considering the material on record and the fact that the petitioner has been named by the prime accused and the petitioner's name does not appear in the FIR, we are inclined to grant anticipatory bail to the petitioner. We, however, make it clear that the petitioner shall be available for investigation whenever the petitioner is called to do so.

We accordingly direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.20,000/- (Rupees twenty

thousand only) with two sureties of like amount each to the satisfaction of the Arresting Officer and also comply with the conditions laid down under Section 438(2) of The Code of Criminal Procedure, 1973. The petitioner shall also not intimidate any witnesses or tamper with any evidence in any manner whatsoever. The petitioner shall not leave the jurisdictional police station without obtaining leave from the concerned officer.

The application for anticipatory bail being CRM(A) 581 of 2022 is allowed and disposed of in terms of the above.

(SIDDHARTHA ROY CHOWDHURY, J.)

(MOUSHUMI BHATTACHARYA, J.)