

5.09.2023
Item no.3
Court No.01
P.P./S.D.

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

CRM (A) 741 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In the matter of: Durga Paul Singh

.... Petitioner

Ms. Suman Sehanabis (Mondal)

Mr. Salok Sah

....for the petitioner

Mr. Abhijit Sarkar

Mr. Sourav Ganguly

..... for the State

Apprehending arrest in connection with Jaigaon Police Station Case No.300 of 2022 dated 24.12.2022 under Sections 22(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985, the present application has been preferred.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary. *Prima facie*, it appears that the petitioner was not present at the place of occurrence. No contraband substance above commercial quantity was recovered from his possession and as such the statutory restrictions are not attracted. Upon completion of investigation, chargesheet has also been filed and it appears that petitioner's name has transpired on the basis of the statement of co-accused person before the Police Officer, which is

inadmissible in evidence. In view thereof, the petitioner's prayer for anticipatory bail is allowed.

We direct that in the event of arrest, the petitioner namely, **Durga Paul Singh**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is further directed that the petitioner shall not tamper with the evidence or intimidate the witnesses.

The application for anticipatory bail CRM (A) 741 of 2023 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Lapita Banerji, J.)

(Tapabrata Chakraborty, J.)