

22.04.2024
Court No.01
Item No. 170
Allowed

KC

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

CRM (A) 215 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Raiganj Police Station Case No. 112 of 2023 dated 28.02.2023 under Sections 20(b)(ii)(c)/25/29 of the NDPS Act.

And

In Re: **Rafikul Miah**

Petitioner

Mr. Swarup Das

For the Petitioner

Mr. Aditi Shankar Chakraborty, learned APP

Mr. Aniruddha Biswas

For the State

1. Heard.

2. In support of the application for anticipatory bail, it is contended on behalf of the petitioner that the present accused petitioner being the owner of the commercial vehicle from which the alleged contraband materials have been seized is in no way connected with the alleged crime.

3. While opposing the prayer for anticipatory bail, learned counsel for the State submits before this Court that there are incriminating materials as against the present petitioner to connect the present petitioner with the alleged crime.

4. On perusal of the entire materials, we find that except the fact that the present petitioner is the owner of the vehicle in question, which is being used for commercial purpose, we find no material, at least prima facie, to connect the present petitioner with the alleged crime, as reveals from the statement of the witnesses as recorded so far.

5. Considering the entire scenario, we are of the view that the petitioner is able to rebut the statutory restrictions under Section 37 of the NDPS Act as well as for getting a favourable order of anticipatory bail.

6. Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners shall meet the Investigating Officer once in a week till the final report is filed and shall not leave the territorial jurisdiction of the learned Trial Court except with the permission of the learned Trial Court till submission of the final report.

7. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

8. CRM (A) 215 of 2024 is, thus, disposed of.

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

(Soumen Sen, J)

(Partha Sarathi Sen, J)