

JPD-217
Ct No.01
02.08.2024
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

CRM (A) 496 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Alipurduar Police Station Case No. 359 of 2023 dated 04.11.2023 under Sections 21(C)/25/29 NDPS Act.

And

In the matter of: **Subir Bhattacharya**

.... petitioner

Ms. Juin Dutta Chakraborty
Ms. Rinka Chakraborty

... for the petitioner

Mr. Ujjwal Luksom
Ms. Namrata Das

... for the State

1. The petitioner was named in the FIR on the strength of the statements of the co-accused persons and on enquiry to the effect that the petitioner is the owner of the offending vehicle.
2. It is submitted by learned counsel for the petitioner that the petitioner is a retired school teacher and has no connection whatsoever with the alleged offence.
3. Moreover, the petitioner is ready and willing to cooperate with the investigation and the trial.
4. It is also contended that even after search being conducted, nothing was recovered from the house of the petitioner.

5. Learned counsel for the State opposes the prayer for anticipatory bail.
6. It is contended that there is no specific indication in the case diary as to whether any search was conducted in the house of the petitioner.
7. However, despite a notice under Section 67 of the NDPS Act having been issued to the petitioner, the petitioner did not comply with the same.
8. Upon further query of court, learned counsel for the State submits that charge sheet has already been filed and apart from the fact that the petitioner was named as the owner of the offending vehicle in the FIR, no other material has yet been found regarding direct involvement of the petitioner.
9. We find from the case diary that the notice under Section 67 was issued as long back as on November 21, 2023.
10. Since nothing relevant has happened with regard to fixing involvement of the petitioner thereafter, and the charge sheet is already on record, we are inclined to grant the benefit of anticipatory bail to the petitioner.
11. Hence, CRM (A) 496 of 2024 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall comply with the stipulations in Section 438(2) of the Code of Criminal Procedure.
12. In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) with two

sureties of like amount each, one of who must be local, to the satisfaction of the learned District and Sessions Judge, Alipurduar.

- 13.** That apart, the petitioners shall attend trial on each and every date and shall not leave the territorial jurisdiction of the trial court throughout the period of trial.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)