

21.09.2020
Item no. 52
Court No.16
CHC
Allowed

C.R.M. No.6378 of 2020
C.R.A.N.1 of 2020
(Via Video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Labpur Police Station Case No. 109 of 2020 dated 15.08.2020 under Sections 21(c) and 29 of the NDPS Act, 1985.

And

In the matter of:-

Kesta Mukherjee

... Petitioner

Mr. Biswajit Hazra

.. for the petitioner

Mr. Sanjoy Bardhan,
Mr. C. R. Ghosh

..for the State

The petitioner undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

It is submitted on behalf of the petitioner that no narcotic substance was recovered from his possession.

Learned lawyer for the State submits that independent witnesses named the petitioner as one of the conspirators.

We have considered the materials on record including the statement of independent witnesses. The allegations are general and omnibus in nature and do not relate to the alleged recovery in

question. Hence, petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPA Act. Accordingly, we are of the opinion though custodial interrogation may not be necessary. Petitioner requires to cooperate with the investigation in accordance with law.

Accordingly, we direct that in the event of arrest, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and on further condition that petitioner shall meet the investigating officer once in a week until further orders.

The application for anticipatory bail and connected application, are, thus, disposed of.

(Kausik Chanda, J.)

(Joymalya Bagchi, J.)

