

21.01.2021
Court No.28
rpan / 169

C.R.M. 292 of 2021
(Via Video Conference)

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

And

In Re : Dilip Biswas & Another

....Petitioners.

Mr. Angshuman Chakraborty,

Mr. S. S. Saha

....for the Petitioners.

Mr. Saryati Datta

... for the State.

Apprehending arrest in connection with Swarupnagar P. S.
Case No. 250 of 2016 dated 30.03.2016 under Sections 20(b)
(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act,
1985, the petitioners have filed the present application.

The learned advocate for the petitioners submits that
the petitioners have been implicated on the basis of
statement of co-accused, who is in custody and nothing was
recovered from the possession of these petitioners.

The learned advocate for the State concedes to such
submission that the recovery was from a co-accused and on
the basis of the statement of such co-accused the present
petitioners have been implicated in the case. However, the
learned advocate for the State adds that the petitioners have
been evading the process of law for a considerable period of
time.

Taking into account the materials available and the fact that charge-sheet has already been filed and that the petitioners have been able to, *prima facie*, over come the rigours of Section 37 of the NDPS Act, we are inclined to extend the privilege of anticipatory bail to the present petitioners. As such, the prayer for anticipatory bail of the petitioners is allowed.

Accordingly, in the event of arrest the petitioners, *viz.* **Dilip Biswas and Babulal Biswas**, shall be released on bail upon furnishing a bond of Rs.10,000/- each 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. This order of anticipatory bail will remain valid for a period of four weeks from date.

With the aforesaid observations, CRM 292 of 2021 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)