

28.01.2021  
Item no.191  
Court No.28  
Avijit Mitra

C.R.M. 377 of 2021 (through video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Raiganj Police Station Case No.486 of 2020 dated 01.07.2020 under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985;

And

**In Re : Dilip Saha**

.... petitioner

Mr. Kushal Paul

....for the petitioner

Mr. Madhusudan Sur,

Mr. Dipankar Pramanick

..... for the State

The learned advocate appearing for the petitioner submits that three persons were arrested with intermittent quantity of contraband (ganja) and from the statements of such (three) accused persons who were arrested, the name of the present petitioner transpired. Learned advocate submits that the petitioner has been falsely implicated. It has further been submitted by the learned advocate that three persons who were arrested have already been released on bail.

Learned advocate appearing for the State opposes the petitioner's prayer and submits that the name of the petitioner has transpired from the statement of the three co-accused persons who are in possession of contraband.

Having regard to the fact that the intermittent quantity of contraband were seized and the petitioner has been implicated on the basis of the statements of the co-accused, we

are of the opinion that the petitioner has been able to overcome the hurdle of Section 37 of the N.D.P.S. Act and as such he is entitled to the privilege of anticipatory bail.

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) 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 in force for a period of six weeks from date.

The application being C.R.M. 377 of 2021 is disposed of.

**(Tirthankar Ghosh, J.)**

**(Tapabrata Chakraborty, J.)**