

16.04.2021
Court No.28
Item No. 252
Krishnendu
ALLOWED

C.R.M. 885 of 2021
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Balurghat Police Station Case No. 248 of 2020 dated 17.07.2020 under sections 21(c)/22(c)/23(c)/25/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act ;

And

In re: **Pintu Dey Sarkar**

.....Petitioner

Ms. Busra Khatun

.....For the Petitioner

Mr. Sanjoy Bardhan

Ms. Manisha Sharma

.....For the State

From the case diary, it has been submitted that there was no recovery from the present petitioner. However, his name has transpired in course of investigation from the statement of the co-accused. The investigation of the case has already been concluded although chemical examiner's report is yet to be submitted.

Having regard to the fact that the petitioner's name transpired only from the statement of the co-accused, which is inadmissible in evidence, we are of the opinion that the petitioner has been able to overcome the rigors of section 37 of the N.D.P.S. Act and as such he is entitled to the benefit of anticipatory bail. Thus, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Pintu Dey Sarkar**, shall be released on bail upon furnishing a bond of Rs.10,000/- 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 four weeks from date, within which the petitioner shall appear before the jurisdictional Court and pray for regular bail.

The application for anticipatory bail, being CRM No. 885 of 2021, is, thus, disposed of.

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

(Tirthankar Ghosh, J.)

(Soumen Sen, J.)