

22.04.2021
Court No.28
Item No. 214
Krishnendu
ALLOWED

**C.R.M. 959 of 2021
(Via video Conference)**

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

And

In re: **Madhusudan Roy**

.....Petitioner

Mr. Anirban Mitra

Mr. Amit Halder

.....For the Petitioner

Mr. Swapan Banerjee

Mrs. Purnima Ghosh

.....For the State

Apprehending arrest in connection with Raniganj Special Case No. 02 of 2020 (NDPS) dated 19.02.2020, S.L. No. 221/2019-2020 dated 18.02.2020 under section 18 (c) of the Narcotic Drugs and Psychotropic Substances Act, the petitioner has filed the present application.

The learned advocate for the petitioner is present as well as the learned advocate for the State. We have heard both the parties and we find that charge sheet was filed against number of persons, including the present petitioner.

The records reflect that there has been no quantification of the contraband and the nature of allegations are under section 18(c) of the Narcotic Drugs and Psychotropic Substances Act.

Having regard to the same, we are of the opinion that the provisions of section 37 of the N.D.P.S. Act are not attracted in this case and, as such, custodial detention of the petitioner

may not be warranted in the facts and circumstances of the case.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Madhusudan Roy**, 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 eight weeks from date, within which the petitioner shall appear before the learned Special Court under the N.D.P.S. Act, Asansol, Paschim Bardhaman and obtain regular bail.

With the aforesaid observations, the application for anticipatory bail, being CRM No. 959 of 2021, is 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.)
Chakraborty, J.)

(Tapabrata

