

22.04.2021
Court No.28
Item No. 215
Krishnendu
ALLOWED

C.R.M. 960 of 2021
(Via video Conference)

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

And

In re: **Amit Khatik & Anr.**

.....Petitioners

Mr. Kaushik Choudhury

Ms. Busra Khatun

.....For the Petitioners

Mr. Saryati Dutta

.....For the State

Apprehending arrest 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, the petitioners have filed the present application.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that the petitioners' names had transpired on the basis of a statement of a co-accused person, as recorded under section 161 of the Code of Criminal Procedure and there had been no recovery of contraband substance from the petitioners. In view thereof, we are of the opinion that the provisions of Section 37 of the NDPS Act are not attracted and custodial detention of the petitioners is not warranted in the facts and circumstances of the case.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Amit Khatik and Chhoton Malakar**, 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 in force for a period of eight weeks from date. Within the said period the petitioners shall appear before the learned Special Court under the N.D.P.S. Act, Balurghat, Dakshin Dinajpur and obtain regular bail.

With the aforesaid observations, the application for anticipatory bail, being CRM No. 960 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.)

(Tapabrata Chakraborty, J.)