

17.
01-09-2021
(ct. no.32)
KOLE
Allowed

CRM 978 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nabadwip Police Station** Case No. **07 of 2021** dated **04.01.2021** under Sections **21(c)** of the NDPS Act.

- A n d -

In the matter of : Biswajit Halder @ Saheb

.... Petitioner.

Mr. A. Kumar Biswas,
Mr. A. Singh,

... For the Petitioner.

Mr. Sanjoy Bardhan,
Mr. M. Sharma,

... For the State.

Admittedly there was no recovery of contraband items from the possession of the petitioner. His name has transpired from statements made by co-accused persons. Since there was no recovery from him, the restriction in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 would not be attracted.

On the last occasion it was stated on behalf of the State that the petitioner has criminal antecedents. A criminal case is pending against him. Today learned Advocate for the petitioner has produced the order of the learned Additional Sessions Judge, 3rd Court, Nadia, Krishnagar, whereby the petitioner has been acquitted in ST 06(3)/18.

We have considered the material in the case diary. Charge sheet has been submitted. On an overall assessment of the material on record, we are of the view that immediate custodial interrogation of the petitioner is not necessary.

Accordingly, in the event of arrest, the petitioner, namely, **Biswajit Halder @ Saheb** 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 shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure until further orders.

In the event the petitioner fails to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 978 of 2021 is, thus, allowed.

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

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**