

13.08.2021
Item no.24.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No.1707 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 10.2.2021 in connection with Kotwali Police Station Case No.77 of 2021 Dated 25.01.2021 under Section 21(b) of the NDPS Act

And

In the matter of : Roffiuddin Sheikh

.....Petitioner.

Mr. Atis Kumar Biswas,
Mr. Sumanta Das,
Mr. Amit Singhfor the Petitioner.

Mr. Sanjay Bardhan,
Mr. Palash Chandra Majhi.....for the State.

About 2.25 kilograms of ganja (just above small quantity) was recovered from the house of the petitioner. The petitioner was not present at that time.

We have considered the material in the case diary. In view of no commercial quantity of contraband being involved, the restriction in Section 37 of the NDPS Act is not attracted. The parties are unable to apprise us as to whether or not charge sheet has been filed.

On an overall assessment of the facts and circumstances of the case and the material in the case diary, we are of the opinion that immediate custodial interrogation of the

petitioner may not be necessary so long as he cooperates with the investigation or further investigation, as the case may be.

Accordingly, in the event of arrest, the petitioner 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 case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. No.1707 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)