

CRM 1997 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Balurghat Police Station Case No.102 of 2021 dated 07.02.2021 under Sections 21(c)/22(c)/23(c)/25/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Ajay Barman & Anr.

.... Petitioner.

Mr. Kaushik Choudhury

... For the Petitioner.

Mr. Ranbir Roy Choudhury,
Mr. Sandip Chakrabarty

... For the State.

The charge is under the provisions of the NDPS Act.

The petitioner no. 2 has already been arrested. The application for anticipatory bail is not pressed on his behalf.

It is submitted that recovery was made from a Bangladeshi National at the border of the two countries. It is not in dispute that there was no recovery of contraband item from the present petitioner no. 1. He has been implicated on the basis of statements made by the co-accused from whom recovery was made.

In view of the aforesaid and on an appreciation of the material on record, we are of the view that the petitioner no. 1 need not be taken into custody immediately so long as he cooperates with further investigation, if any. Since, there is no recovery from this petitioner, the restrictions under Section 37 of the NDPS Act would not be attracted.

The petitioner no. 1 also says that charge-sheet has been submitted.

Accordingly, in the event of arrest, the petitioner no.1 shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount, 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.

The application for anticipatory bail being CRM 1997 of 2021 is, thus, partly allowed.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)