

36. 11.08.2021

Ct.32

Tanmoy

Allowed

C.R.M. 2097 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **23/02/2021** in connection with **Balurghat Police Station Case No. 248/2020** dated **17/07/2020** under Sections **21C/22C/23C/25/27A/28/29** of the N.D.P.S. Act corresponding to Spl. Case No. **44/2020**.

And

In the matter of: - **Swapan Choudhury**

....petitioner.

Mr. Bitasok Banerjee

...for the petitioner.

Mr. Prasun Kumar Datta,
Mr. Subrata Roy

...for the State.

It is not in dispute that there was no recovery of contraband substance from the petitioner, who is one of the seven co-accused persons. His name has transpired from the statement of a co-accused person, who is in custody. In view of there being no recovery of contraband items from the possession of the petitioner, the statutory restriction in Section 37 of the Narcotic Drugs and Psychotropic Substances Act would not be attracted.

Charge-sheet has been submitted. We have considered the material in the Case Diary. On an overall consideration of the facts and circumstances of the case, we are of the view that the petitioner's prayer for anticipatory bail may be allowed.

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.

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 being C.R.M. 2097 of 2021 is, accordingly, disposed of.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)