

CRM 2120 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 : Hriday Barman @ Kali & Anr.

.... Petitioner.

Mr. Kaushik Choudhury

... For the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Chandra Majhi

... For the State.

The charge is under the provisions of the NDPS Act.

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 petitioners. They have 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 petitioners need not be taken into custody immediately so long as they cooperate with further investigation, if any. Since, there is no recovery from the petitioners, the restrictions under Section 37 of the NDPS Act would not be attracted.

The petitioners also say that charge-sheet has been submitted.

Accordingly, in the event of arrest, the petitioners 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 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 2120 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.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)