

47.
04-08-2021
(ct. no.32)
KOLE
Allowed

(Via Video Conference)

CRM 2177 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bhagwangola Police Station** Case No. **32 of 2021** dated **17.01.2021** under Sections **21(C)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

- A n d -

In the matter of : Masa Sk @ Masadul Sk

.... Petitioner.

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Mr. Ali A. Alamgir,

... For the Petitioner.

Mr. Rana Mukherjee,
Mr. S. Chatterjee,

... For the State.

The petitioner is one of the two accused persons. The charge is under the provisions of Narcotic Drugs and Psychotropic Substances Act, 1985.

It is not in dispute that there was no recovery of contraband from the possession of the petitioner. The petitioner has been implicated on the basis of statements made by the co-accused from whom recovery was made.

We are told that charge sheet has been submitted. We have considered the material in the case diary. Having considered the overall facts and circumstances of the case, we are of the view that immediate custodial interrogation of the petitioner may not be required. Since there was no recovery of contraband from the possession of the petitioner, the statutory restriction under Section 37 of the NDPS Act would not be attracted. We are inclined to grant anticipatory bail to

the petitioner so long as he cooperates with the Investigating Officer in case of further investigation.

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.

The application of anticipatory bail being CRM 2177 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.)