

04.08.2021
Item no.54.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 2243 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 26.02.2021 in connection with Kalichak Police Station Case No.934 of 2020 Dated 17.11.2020 under Section 27 of the Drugs and Cosmetics Act

And

In the matter of : Basir Sk. @ Rintu @ Rithu & Anr.

.....Petitioners.

Mr. Kalidas Sahafor the Petitioners.

Mr. Nirupam Dhalifor the State.

It is submitted on behalf of the petitioners that no recovery of contraband article was made from the possession of the petitioners.

The State refers to the case diary and submits that the petitioners are not the registered owners of the motorcycle from which the contraband article was recovered.

We have considered the material in the case diary. In view of the fact that no contraband article was recovered from the possession of the petitioners and also considering the facts and circumstances of the case, we are inclined to hold that

immediate custodial interrogation of the petitioners may not be necessary and they may be granted anticipatory bail.

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.

In case the petitioners fail 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.2243 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.)