

15.09.2021
Item no.33.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 2317 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 01.03.2021 in connection with Bamongola Police Station Case No.225 of 2020 Dated 24.12.2020 under Sections 21(a)/22(b)/29 of the NDPS Act

And

In the matter of : Mantu Bairagi @ Mantulal Bairagi & Ors.

.....Petitioners.

Mr. Kalidas Sahafor the Petitioners.

Mr. Ranabir Roychoudhury,
Mr. Mainak Guptafor the State.

Admittedly there was no recovery of contraband items from the petitioners. 5 kilograms of ganja and 85 bottles of phensedyl were seized from the place over which the petitioners had no control.

In view of there being no recovery from the petitioners, the restrictions in Section 37 of the NDPS Act are not attracted.

On an overall assessment of the material on record including the seizure list, we are of the view, although charge sheet is yet to be submitted, immediate custodial interrogation of the petitioners may not be necessary so long as they cooperate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, namely Mantu Bairagi @ Mantulal Bairagi, Prahlad Baidya @ Pallad Baidya and Bishu Baidya @ Bishnu Baidya 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.2317 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.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)