

CRM No.2454 of 2021
(via vide conference)

19.08.21
(S.R.)
Sl.296
Ct.30

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Jalangi** Police Station Case **No.40 of 2021** dated **21.02.2021** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act;

And

In re: Asim Sarkar & Anr.

... petitioners.

Mr. Tapodip Gupta

... for the petitioners.

Mr. Rana Mukherjee
Ms. Sujata Das
Ms. Debjani Sahu

...for the State.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that there had been no recovery of contraband substance from the possession of the petitioners and their names have transpired on the basis of the statement of a co-accused person, before a police officer, which is inadmissible in evidence. In view thereof, we are of the opinion that the rigours of Section 37 of the NDPS Act are not attracted in the present case and custodial interrogation of the petitioners is not warranted.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **1. Asim Sarkar** and **2. Piyaarul Mondal @ Kalu** shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

Accordingly, the application for anticipatory bail, being CRM No.2454 of 2021, is allowed.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Subhasis Dasgupta, J.)

(Tapabrata Chakraborty, J.)