

37.
18-08-2021
(ct. no.32)
KOLE
Allowed

(Via Video Conference)

CRM 2580 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Suti Police Station** Case No. **607 of 2020** dated **29.12.2020** under Sections **21(c)/29** of the NDPS Act.

- A n d -

In the matter of : Tufan Sk. @ Tufan Sekh

.... Petitioner.

Mr. Minoti Gomes,
Mr. Jishan I. Hossain,

... For the Petitioner.

Mr. Rama Mukherjee,
Mr. S. Saha,

... For the State.

Recovery of commercial quantity of contraband was made from a truck. The petitioner was nowhere near the truck. The co-accused was driving the truck. No recovery was, therefore, made from the petitioner. The petitioner has been implicated on the basis of statement made by the co-accused. It is also not in dispute that the petitioner is not the registered owner of the truck.

The petitioner says that he had no truck with the co-accused. He prays for anticipatory bail.

We have assessed the over all facts and circumstances of the case and the extent of possible complicity of the petitioner in the alleged offence. We are of the view that immediate custodial interrogation of the petitioner is not necessary so long as he cooperates with the Investigating Officer. Since there was no recovery from the

petitioner, the bar in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 would not be attracted.

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 report to the Investigating Officer once in a fortnight and shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure until further orders.

In the event the petitioner fails to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 2580 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.)