

13.08.2021

Sl. No. 47

Srimanta

Ct. No. – 32

D/L

CRM/2685/2021

(Via Video Conference)

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Berhampore Police Station Case No. 1047/2020 dated 15.10.2020 under Sections 21(c) /29 of the Narcotic Drugs and Psychotropic Substances Act.

In the matter of : Sarju Sk.

... petitioner.

Mr. Milon Mukherjee, Sr. Adv.,
Mr. Sandipan Ganguly, Sr. Adv.,
Mr. Arkadeb Bhattacharyya, Adv.,
Mr. Kaizar Biswas, Adv.

...for the petitioner.

Mr. Saibal Bapuli, A.P.P.,
Mr. Bibaswan Bhattaharyya, Adv.

...for the State.

Admittedly, there was no recovery of contraband items from the petitioner. His name has transpired from the statements of co-accused persons.

In view of the fact that there was no recovery from the petitioner, the restriction in Section 37 of the N.D.P.S. Act would not be attracted.

We have considered the material in the Case Diary and the overall facts and circumstances of the case. Charge-sheet has also been submitted.

In view of the aforesaid, we are of the opinion that immediate custodial interrogation of the petitioner may not be necessary so long as he cooperates with further investigation, if any.

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.

In case the petitioner fails 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. 2685 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.)