

27.08.2021  
Item no.84.  
Court No.32.  
AB  
**(Allowed)**

**(Via Video Conference)**

**CRM No. 2924 of 2021**

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 23.03.2021 in connection with Hili Police Station Case No.155 of 2020 Dated 21.12.2020 under Sections 20(b)(ii)(c) of the NDPS Act

And

**In the matter of : Delawar Fakir @ Deloyar & Others**

.....Petitioners.

Ms. Busra Khatoon .....for the Petitioners.

Mr. Swapan Banerjee,  
Ms. Purnima Ghosh .....for the State.

Learned Advocate for the petitioners submits that she has instructions not to press this application for anticipatory bail insofar as the petitioner nos.1 and 3 are concerned. We also put on record that the petitioner no.3 has passed away.

Accordingly, the application is dismissed insofar as the petitioner nos.1 and 3 are concerned.

Admittedly, there was no recovery of contraband items from the petitioner no.2. His name has transpired from the statements made by co-accused persons.

In view of that there being no recovery from the possession of the petitioner no.2, the restriction in Section 37 of the NDPS Act would not be attracted.

We have considered the material in the case diary. On an overall assessment of the material on record and keeping in view the fact that charge sheet has already been submitted, we are of the opinion that immediate custodial interrogation of the petitioner no.2 may not be necessary so long as he is prepared to cooperate with the further investigation, if any.

Accordingly, in the event of arrest, the petitioner no.2 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 no.2 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.2924 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.)**

