

23.09.2021

CRM 2935 of 2021

**Court No.28
Item No.185
(Allowed)**

**Akd
&
As**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Hili Police Station Case No. 14 of 2021 dated 28.01.2021 under Sections 411/414/186/188/353/34 of the India Penal Code read with Section 21(C)/22(C)/23(C)/27A/20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act;

And

In the matter of : **Bivash Sarkar @ Navo @ Bibhash
...Petitioner.**

**Mr. Kaushik Choudhury,
Ms. Busra Khatun.**

...For the Petitioner.

**Mr. Md. Anwar Hossain,
Ms. Sreyashee Biswas.**

...For the State.

Apprehending arrest in connection with Hili Police Station Case No. 14 of 2021 under Sections 411/414/186/188/353/34 of the India Penal Code read with Sections 21(C) / 22(C) / 23(C) / 27A / 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, the petitioner has filed the instant application for anticipatory bail.

Admittedly commercial quantity of contraband was recovered from one person Abdul Mondal and he was arrested at the spot. Subsequently he has made statement recorded under Section 161 of the Code of Criminal Procedure disclosing the name of the other persons including the petitioner, who has the link with the smuggling of the aforesaid contraband to Bangladesh.

There is no other material surfaced in course of investigation establishing a link with the petitioner. Although the investigation is still going on, but in view of the fact that the name of the petitioner has been disclosed by the co-accused before the police without any other material establishing a link, such statement at this stage cannot be said to be sacrosanct.

In view of the above, we do not think that the custodial interrogation of the petitioner is necessary.

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 subject to the condition that the petitioner shall meet the Investigating Officer once in a week and on further conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In default, it is open to the arresting officer to apprehend the petitioner immediately without any further reference to this Court.

The application for anticipatory bail, being **CRM 2935 of 2021** is thus **disposed of**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)