

27.09.2021
Item no.54.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 3181 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 7.4.2021 in connection with Bongaon Police Station Case No.94 of 2020 Dated 18.2.2020 under Sections 21(c)/29 of the NDPS Act

And

In the matter of : Suvajit Das @ Subha Das

.....Petitioner.

Mr. Aniket Mitra,
Mr. Angshuman Chakraborty,
Mr. S. S. Sahafor the Petitioner.

Mr. Ranabir Roychoudhury,
Mr. Mainak Guptafor the State.

Admittedly, there was no recovery of contraband articles from the possession of the petitioner. He has been implicated on the basis of statement made by a co-accused person from whom recovery was made.

We have seen the material in the case diary. Charge sheet has been submitted upon completion of investigation. Prima facie, it does not appear from the material on record that there is implication of the petitioner in the alleged offence. In view of there being no recovery from the petitioner, the restriction in Section 37 of the NDPS Act would not be attracted.

On an overall consideration of the facts and circumstances of the case and the possible extent of complicity

of the petitioner in the alleged offence, we are of the view that immediate custodial interrogation of the petitioner is not necessary.

Accordingly, in the event of arrest, the petitioner, namely Suvajit Das @ Subha Das 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.3181 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.)