

60. 27.09.2021

Ct.32

Tanmoy

Allowed

C.R.M. 3230 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **08/04/2021** in connection with **N.D.P.S. Case No. 09 of 2020** arising out of **Kaliachak Police Station Case No. 69 of 2020** dated **24/01/2020** under Sections **21(c)/29** of the N.D.P.S. Act, 1985.

And

In the matter of: - **Mainul Sk & Anr.**

...petitioners.

Mr. Avik Ghatak,
Mr. Amit Ranjan Pati

...for the petitioners.

Mr. Saibal Bapuli, Ld. A.P.P.,
Mr. Soumik Ganguly

...for the State.

Admittedly, there was no recovery of brown sugar from the petitioners. The petitioners have been implicated on the basis of statements made by co-accused persons from whom commercial quantity of brown sugar was recovered.

The petitioners say that they have been falsely implicated. They have no truck with the dealing in contraband.

Learned Advocate for the State says that according to the statements of co-accused persons, the petitioners had purchased the concerned quantity of brown sugar.

The petitioners say that from the supplementary charge-sheet it would appear that the Police had raided the residences of the petitioners but there was no recovery from there also.

In view of their being no recovery from the petitioners, the statutory restrictions in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 would not be attracted. On

an overall assessment of the material on record and the possible extent of complicity of the petitioners in the alleged offence and keeping in mind that charge-sheet and supplementary charge-sheet have been filed, we are of the view that immediate custodial interrogation of the petitioners is not necessary so long as they co-operate with further investigation, if any.

Accordingly, in the event of arrest, the petitioners, *viz.*, **1. Mainul Sk, 2. Md. Sekat Sk. @ Sekat Sk** shall be released on bail upon furnishing a bond of Rs.10,000/- each 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.

In case the petitioners fail 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. 3230 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)