

64. 27.09.2021

Ct.32

Tanmoy

Allowed

C.R.M. 3254 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **09/04/2021** in connection with **Berhampore Police Station Case No. 264/2021** dated **16/03/2021** under Sections **22(c)/29** of the N.D.P.S. Act, 1985.

And

In the matter of: - **Sujan Sk. @ Sujan Sarkar & Ors.**

...petitioners.

Ms. Minoti Gomes

...for the petitioners.

Mr. Saryati Datta

...for the State.

Admittedly, there was no recovery of contraband items from the petitioners who are three out of several accused persons. Their names transpired from the statements made by co-accused persons.

We have seen the material in the Case Diary. *Prima facie* there does not appear to be direct implication of the petitioners in the alleged offence.

In view of there 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, we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long as they co-operate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, *viz.*, **1. Sujan Sk. @ Sujan Sarkar, 2. Sahabul Sekh, 3. Tipu @ Tipu Sultan @ Md. Tipu Sultan** 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. 3254 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.)