

29.09.2021
Item no.34
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 3263 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 Kalyani Police Station Case No. 308 of 2020 dated 04.10.2020 under Section 20(c) of N.D.P.S. Act.

And

In the matter of : Bhim Dutta.

.....Petitioner.

Mr. Rajdeep Mazumder, Advocate,
Mr. Amanul Islam, Advocate,
Mr. Abhijit Singh, Advocate,
Mr. Sarthak Mondal, Advocate,
Mr. Sourav Mukherjee, Advocate,
.....for the Petitioner.

Mr. Saibal Bapuli, Ld. A.P.P.,
Mr. Saryati Datta, Advocate,
.....for the State.

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

In view of there being no recovery from the petitioner, the restrictions in Section 37 of the N.D.P.S. Act would not be attracted.

We have seen the material in the case diary. Prima facie, we do not find direct implication of the petitioner in the alleged offence. Charge-sheet has also been submitted.

On an overall assessment of the facts and circumstances of the case and the material on record, we are of the view that immediate custodial interrogation of the petitioner is not necessary.

Accordingly, in the event of arrest, the petitioner namely **Bhim Dutta** 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 CRM 3263 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.)

