

01.10.2021
Item no.32.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 3300 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Gangarampur Police Station Case No.89 of 2021 Dated 30.03.2021 under Sections 22(C)/23(C)/27A/28/29 of the NDPS Act

And

In the matter of : Babar Ali & Others

.....Petitioners.

Ms. Busra Khatoonfor the Petitioners.

Mr. Sanjay Bardhan,
Ms. Manashi Royfor the State.

Learned Advocate for the petitioners does not press this application for anticipatory bail on behalf of the petitioner nos.1, 5 and 7 as they have already been taken into custody.

The application is dismissed insofar as the petitioner nos.1, 5 and 7 are concerned.

So far as the other petitioners are concerned, learned Advocate says that there was no recovery of contraband items from them. They have been implicated on the basis of statements made by co-accused persons from whom recovery was made.

In view of there being no recovery from the petitioner nos.2, 3, 4 and 6, the restriction in Section 37 of the NDPS Act would not be attracted.

We have seen the material in the case diary. Prima facie, there does not appear to be enough material to implicate the said petitioners. Investigation is in progress.

On an overall assessment of the material on record and the facts and circumstances of the case, we are of the view that immediate custodial interrogation of the petitioner nos.2, 3, 4 and 6 may not be necessary so long as they cooperate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner nos.2, 3, 4 and 6, namely Gulam Mustaffa @ Mastafa Ali Miha, Asraf Ali @ Ashraf, Jamshed Ali @ Jamsed and Majrul Islam @ Nulurul @ Najrul Islam 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 until further orders.

In case the petitioner nos.2, 3, 4 and 6 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. No.3300 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.)