

40. 01.10.2021

Ct.32

Tanmoy

Allowed

C.R.M. 3447 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **17/04/2021** in connection with **N.D.P.S. Case No. 01 of 2021** arising out of **Kharagpur (Local) Police Station Case No. 36/2021** dated **14/01/2021** under Sections **20(ii)(b)(C)/24/29** of the N.D.P.S. Act, 1985.

And

In the matter of: - **Bikash Biswas**

...petitioner.

Mr. Jayanta Narayan Chatterjee,
Mr. Nazir Ahmed,
Md. Jayashree Patra

...for the petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty,
Mr. Mainak Gupta

...for the State.

Admittedly, there was no recovery of contraband items from the petitioner. He has 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 possession of the petitioner, the statutory restrictions in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 would not be attracted.

We have considered the material in the Case Diary. *Prima facie* there does not appear to be significant incriminating material against the petitioner.

On an overall assessment of the facts and circumstances of the case and the material in the Case Diary and considering the fact that charge-sheet has already been submitted upon

completion of investigation, we are of the view that the petitioner's prayer for anticipatory bail may be allowed so long as he co-operates with further investigation, if any.

Accordingly, in the event of arrest, the petitioner, *viz.*, **Bikash Biswas** 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.

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. 3447 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.)