

CRM 3596 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bhagwangola Police Station** Case No. **85 of 2021** dated **12.02.2021** under Sections **20(b)/21(C)/29** of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Md Musa @ Chandu Sk

.... Petitioner.

Mr. Ali Ahsan Alamgir,

... For the Petitioner.

Mr. Rana Mukherjee, Ld. APP,
Mr. S. Das,
Mr. D. Sahu,

... For the State.

Admittedly, there was no recovery of contraband item from the possession or the house of the petitioner. His name has transpired from the statements made by co-accused persons. In view thereof, the restrictions in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 would not be attracted.

We have seen the material in the case diary. The material *prima facie* does not directly implicate the petitioner. Charge sheet has been submitted upon completion of investigation.

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 is not necessary.

Accordingly, in the event of arrest, the petitioner, namely, **Md Musa @ Chandu Sk** 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 and shall report to the Investigating Officer once in a fortnight until further orders.

In the event the petitioner fails to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 3596 of 2021 is, thus, allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)