

30.11.2021
Item no.199
Court No.32
Avijit Mitra

C.R.M. 4655 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : Bijan Saha

.... petitioner

Mr. Niladri Sekhar Ghosh,

Mr. Selim Malik,

Ms. Sompurna Chatterjee

....for the petitioner

Mr. Sudip Ghosh,

Mr. Bitasok Banerjee

..... for the State

Apprehending arrest in connection with Bongaon Police Station Case No.38 of 2020 dated 18.01.2020 under Sections 20(b)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, the present application has been preferred.

Heard learned advocates appearing for the respective parties and considered the materials in the case diary. It appears that there had been no recovery of contraband substance from the possession of the petitioner and his name has transpired on the basis of a statement of a co-accused person. In view thereof we are of the opinion that rigors of Section 37 of the N.D.P.S. Act are not attracted and as such, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Bijan Saha**, shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten thousand only) with two sureties of like amount each, to the satisfaction of the

arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that the petitioner shall appear before the learned Court below on all the dates as specified for hearing.

It is further directed that the petitioner shall not tamper with the evidence or intimidate the witnesses.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail being C.R.M. 4655 of 2021 is disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)