

09.12.2021
Item no.500
Court No.32
Avijit Mitra

C.R.M. 4670 of 2021

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

And

In Re : Nimai Das

.... Petitioner

Mr. Apurba Kumar Dutta

....for the petitioner

Mr. Sanjoy Bardhan,

Mr. Palash Chandra Majhi

..... for the State

Apprehending arrest in connection with Raniganj Special Case No.02 of 2020 dated 19.02.2020 and (S.I) S.L. No.221 of 2019-20 dated 18.02.2020 under Sections 18(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, the present application has been preferred.

Mr. Dutta, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. A co-accused person, similarly situated with the petitioner, has already been granted anticipatory bail by a Coordinate Bench of this Court on 22nd April, 2021. Upon completion of investigation chargesheet has also been submitted and as such, custodial interrogation is not warranted.

Mr. Bardhan, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that there had been no quantification of contraband substance and upon cumulative assessment of the materials on record, we are *prima facie* of the opinion that the petitioner is similarly situated with one Madhusudan Roy, who has already been granted anticipatory bail by a Coordinate Bench of this Court. In view thereof and since upon completion of investigation chargesheet has been submitted, we are of the opinion that custodial interrogation of the petitioner is not necessary.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Nimai Das**, 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 further condition that the petitioner shall attend the learned trial court on all the dates, as specified for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the

petitioner's anticipatory bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 4670 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.)