

CRM No.4863 of 2021

Via video conference

03.12.21

(S.R.)

Sl.146

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Kaliachak** Police Station Case No.1036 of 2020 dated 17/12/2020 under Sections 21(c)/29 of the NDPS Act;

And

In re: Seratal Sk.

... petitioner.

Mr. Mrityunjoy Chatterjee

Mr. Sreejeet Basu Roy

... for the petitioner.

Mr. Binay Panda

Ms. Puspita Saha

Mr. Subham Bhakat

...for the State.

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

It appears that no contraband substance above commercial quantity was recovered from the possession of the petitioner and that, his name has transpired from the statement of the co-accused.

In view thereof, we are of the opinion that the rigours of Section 37 of the NDPS are not attracted and as such, custodial interrogation is not warranted, more so when, upon completion of investigation charge sheet has been submitted.

Accordingly, we direct that in the event of arrest the petitioner will 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and shall attend the learned trial court on all the dates specified for hearing.

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 his bail without any further reference to this Court.

The application for anticipatory bail being CRM No.4863 of 2021 is, accordingly, 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.)