

CRM 5767 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Rakesh Das**

..... petitioner

Ms. Busra Khatun

.....For the petitioner

Md. Anwar Hossain
Ms. Ratna Ghosh

.....For the State

Apprehending arrest in connection with Hili Police Station Case No. 132 of 2021 dated 30.06.2021 under 20(b)(ii) of the Narcotic Drugs and Psychotropic Substances Act, 1985, the present application has been preferred.

Learned advocate appearing for the petitioner submits that intermediate quantity of contraband substance was allegedly recovered from the house of Sasthi Das, who is the father of the petitioner. He further submits, he has instruction, that the said Sasthi Das had already been granted bail. The petitioner had been roped in merely on the basis of suspicion and as such, his custodial interrogation is not warranted.

Mr. Hossain, learned advocate appearing for the State opposes the prayer and draws our attention to several documents in the case diary. However, he does not dispute the fact that intermediate quantity of contraband substance was recovered.

Considering the nature of allegations and as contraband substance seized is of intermediate quantity, we are of the opinion that rigors of Section 37 of the NDPS Act are not attracted and as such, custodial interrogation is not warranted.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Rakesh Das** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, 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 meet the Investigating Officer once a week on and from 14th December, 2021 till investigation is complete.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend learned Court below on all the dates, as specified for hearing.

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 CRM 5767 of 2021, is, thus, 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.)