

16.12.2021
Sl. No.92
akd
[ALLOWED]

C. R. M. 6518 of 2021

[via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 28.09.2021 in connection with Gangarampur Police Station Case No. 323 of 2014 dated 15.07.2014 under Sections 27/28(A) of the Drugs and Cosmetics Act and Section 21 of the NDPS Act.

And

In Re: **Gopesh Roy**

... .. Petitioner

Ms. Jeenia Rudra
Ms. Sahili Dey

... .. for the petitioner

Mr. Tapandeb Nandy
Mr. Antarikhya Basu

... .. for the State

It is submitted on behalf of the petitioner that no narcotic substance was recovered from his possession. It is further submitted that the petitioner stands on the same footing with the co-accused persons who have been granted pre-arrest bail by a coordinate Bench of this court.

Learned advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner and his complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Petitioner stands on the same footing with the co-accused persons who have been granted pre-arrest bail by a coordinate Bench of this court. Under such circumstances, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. Hence, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely **Gopesh Roy**, 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)