

14.12.2021

Court No.32
rpan / 230

CRM 6575 of 2021

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

And

In Re : **Bappi Mahanta @ Hirok Mahanta**

- Petitioner

Mr. Arup Sarkar

... for the Petitioner.

Mr. Saibal Bapuli,

Mr. Arani Bhattacharyya,

Mr. Bibaswan Bhattacharya

... for the State.

Apprehending arrest in connection with Balurghat Police Station Case No.501 of 2020 dated 14.12.2020 (Special Case no.89 of 2020) under Sections 20B/ 21(C)/ 22(C)/ 23(C)/ 25/ 27(A)/ 28/ 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, the petitioner has filed the present application.

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 on the basis of a co-accused statement. In view thereof, the rigours of Section 37 of the NDPS Act are not attracted. A co-accused person, similarly situated with the petitioner, had already been granted anticipatory bail by a coordinate Bench of this Court in CRM 5762 of 2021. Upon completion of investigation charge sheet has also been submitted. As such, custodial interrogation is not warranted.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Bappi Mahanta @ Hirok Mahanta** shall 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 attend the learned court below on the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

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 6575 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.)