

14.12.2021
Item no.237
Court No.32
Avijit Mitra

C.R.M. 6621 of 2021

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

And

In Re : Rajkumar Kobiraj @ Khalek @ Khalek Kabiraj
.... petitioner

Mr. Soumya Basu Roy Chowdhury,
....for the petitioner

Mr. Saibal Bapuli,
Mr. Arani Bhattacharya
..... for the State

Apprehending arrest in connection with Thanarapara Police Station Case No.166 of 2021 dated 23.09.2021 under Sections 21(c)/29 of the N.D.P.S. Act, the present application has been preferred.

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

It appears that that there was no recovery of contraband substance above commercial quantity from the possession of the petitioner. The petitioner's name has transpired on the basis of the statement of the co-accused persons. In view thereof, the rigors of Section 37 of the N.D.P.S. Act are not attracted. As such, his prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Rajkumar Kobiraj @ Khalek @ Khalek Kabiraj**, 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 a further condition that the petitioner shall meet with the investigating officer once a week on and from 20th December, 2021 till investigation is over.

The petitioner shall attend the learned Trial Court on all the dates as fixed 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. 6621 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.)