

CRM No.6659 of 2021

Via video conference

14.12.21

(S.R.)

Sl.243

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Basirhat** Police Station Case No.1206 of 2019 dated 04/11/2019 under Sections 21(c)/29 of the NDPS Act (Corresponding to N. Case No.196 of 2019);

And

In re: Bakibilla Sardar @ Baki Sardar

... petitioner.

Ms. Minoti Gomes

Mr. Mazhar Hossain Chowdhury

... for the petitioner.

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

...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 on the basis of the statement of a co-accused person and as such, the rigours of Section 37 of the NDPS are not attracted. Upon completion of investigation charge sheet has also been submitted. In the said conspectus, we are of the opinion that custodial interrogation of the petitioner is not warranted.

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 with a further condition that the petitioner shall not leave the jurisdiction of **Basirhat** Police Station until further orders save and except for attending the learned trial court on all the dates as specified for hearing.

It is further directed that the petitioner shall not intimidate the witnesses 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 his bail without any further reference to this Court.

The application for anticipatory bail being CRM No.6659 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.)