

CRM No.7128 of 2021

Via video conference

25.11.21

(S.R.)

Sl.144

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Raiganj** Police Station Case No.198 of 2021 dated 29/03/2021 under Sections 21(c)/23(c)/29 of the Narcotic Drugs and Psychotropic Substances Act;
And

In re: Basudev Ghosh

... petitioner.

Mr. Sayan De

Mr. Sayan Kanjilal

... for the petitioner.

Mr. Rana Mukherjee, APP

Mr. Provas Bhattacharya

Mr. Kaushik Majumdar

...for the State.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. No contraband substance was recovered from the possession of the petitioner and his name has transpired on the basis of the statement of a co-accused person. Upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation of the petitioner is not necessary.

Mr. Mukherjee, learned Additional Public Prosecutor appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Heard the learned advocates and considered the materials in the case diary. It appears that there had been no recovery of contraband substance from the possession of the petitioner and his name has transpired on the basis of the statement of a co-accused person. In view thereof, we are of the opinion that the rigours of Section 37 of the NDPS Act are not attracted and custodial interrogation of the petitioner is not warranted, more so when upon completion of investigation charge sheet has been submitted.

Accordingly, we direct that in the event of arrest the petitioner 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 trial court on all the dates, as fixed for hearing, and 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 the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being CRM No.7128 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.)