

11.03.2021.

112.

as

(Allowed).

C.R.M. 10992 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Chanchal P.S. Case No.1094 of 2020 dated 23.11.2020 under Sections 20(b)(ii)(B) of the N.D.P.S. Act.

In the matter of : Balaram Saha.

... Petitioner.

Mr. Tanmay Biswas,
Mr. Soupal Chatterjee.

...for the Petitioner.

Mr. Ranadeb Sengupta.

.....for the State.

Apprehending arrest in connection with Chanchal P.S. Case No.1094 of 2020 dated 23.11.2020 under Sections 20(b)(ii)(B) of the N.D.P.S. Act petitioners have filed the instant application for anticipatory bail.

It is submitted by the learned Advocate for the petitioner that no recovery of the contraband is shown from the possession of the petitioner though it is alleged that the said contraband was found from the parental house of the petitioner. It is, thus, submitted that there are other members of the parental house and, therefore, the case launched against the petitioner is an out come of the conflicting political ideas.

On the other hand, the learned Advocate appearing for the State opposes the prayer for bail and submits that 9.7 kgs. of ganja was recovered from the house of the petitioner as he

fled away taking advantage of the darkness. It is further submitted that the information was received that the petitioner is carrying on business of selling such contraband.

After hearing the respective counsels and on perusal of the Case Diary, we find that the quantity as shown to have recovered from the house of the petitioner is below the commercial quantity. Furthermore, the alleged recovery was made from the house not from the physical possession of the petitioner though the link is sought to be created on the alleged trade of such contraband. We feel that the petitioner should be granted privilege of anticipatory bail.

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 must be local subject to the satisfaction of the arresting officer with further condition that the petitioner shall meet the Investigating Officer once in a week until further order. Apart from the aforesaid conditions, the further conditions enshrined under Section 438(2) of the Code of Criminal Procedure, 1973 shall also apply.

This application for anticipatory bail is, thus, allowed.

(Harish Tandon, J.)

(Kausik Chanda, J.)

