

18.08.2021
Item no. 02 (J.C.)
Court No.32.
S.De
(allowed)

In the Circuit Bench at Jalpaiguri

(Via Video Conference)

CRM No. 784 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 27.07.2021 in connection with Dinhata Police Station Case No. 45 of 2019 dated 21.01.2019 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1986.

And

In the matter of : Alamin Haque @ Alammin.

.....Petitioner.

Mr. Surajit Basu, Advocate,

.....for the Petitioner.

Mr. Aniruddha Biswas, Advocate,

Mr. Aditi Shankar Chakraborty, Advocate,

.....for the State.

The allegation is that 250 bottles of phensedyl (much beyond commercial quantity) was recovered from a house. One person came out of the house and fled. He could not be identified. The local people say that the house belongs to the petitioner. The petitioner denies such statement. There is nothing on record at the moment to show that the petitioner is the owner of the house in question.

The State strongly opposes the prayer for anticipatory bail.

In view of the aforesaid, prima facie it does not appear that any contraband was recovered from the possession of the petitioner. Therefore, the restriction in Section 37 of the N.D.P.S. Act would not be attracted.

On an overall assessment of the material in the case diary and the statements of witnesses, we are prima facie of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he co-operates with the further investigation if any, since we are told that charge sheet has been filed showing the petitioner as absconding.

Accordingly, 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 784 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)