

17.
18-08-2021
(ct. no.32)
KOLE
Allowed

In the Circuit Bench At Jalpaiguri
(Via Video Conference)
CRM 847 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Sitalkuchi Police Station** Case No. **73 of 2018** dated **31.03.2018** under Sections **20(b)(ii)(C)/29** of the NDPS Act.

- A n d -

In the matter of : Paban Bhowmick @ Bhowmik
.... Petitioner.

Mr. H. Saha Poddar,
... For the Petitioner.

Mr. Aditi Roy,
Mr. B. Roy
... For the State.

It is not in dispute that there was no recovery of contraband items from the petitioner. The petitioner has been implicated on the basis of the statement made by a co-accused person from whom recovery was made.

In view of there being no recovery from the petitioner, the restriction in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 would not be attracted.

We are told that the co-accused person from whom recovery was made has been enlarged on bail. We have considered the material in the case diary and the extent of complicity of the petitioner in the alleged offence. Charge sheet has not been filed. On an overall assessment of the case, we are of the view that immediate custodial interrogation of the petitioner is not necessary.

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 the event the petitioner fails to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 847 of 2021 is, thus, allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)