

24.02.2022
Item no. 232
Court No.32
Avijit Mitra

C.R.M.(A) 59 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : Sahil Sk. & anr.

.... petitioners

Ms. Minoti Gomes

...for the petitioners

Mr. Saibal Bapuli,
Mr. Ranadeb Sengupta

....for the State

Apprehending arrest in connection with Berhampore Police Station Case No.632 of 2021 dated 26.06.2021 under Sections 22(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, the present application has been preferred.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Let the report, as produced on behalf of the State be kept on record.

It appears that no contraband substance above commercial quantity was recovered from the possession of the petitioners and that their names have transpired on the basis of statement of a co-accused before a Police Officer, which is inadmissible in evidence and as such, the statutory restrictions are not attracted. In view thereof, we are of the opinion that custodial interrogation of the petitioners is not necessary more

so when, upon completion of investigation chargesheet has been submitted and as the petitioners have no criminal antecedent.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Sahil Sk. and Chiranjit Biswas @ Basi**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each with two sureties of like amount each, 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.

The petitioners shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioners shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioners' bail without any further reference to this Court.

Accordingly, the application for anticipatory bail being C.R.M.(A) 59 of 2022 is 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.)

