

28.01.2022

Court No.32
rpan / 50

CRM (A) 70 of 2022

[through Video Conferencing]

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

And

In Re : **Provash Sanyasi**

- Petitioner

Mr. Ali Ahsan Alamgir,

Ms. Riya Das

... for the Petitioner.

Mr. Saryati Datta

... for the State.

Apprehending arrest in connection with Raninagar Police Station Case No.457 of 2021 dated 23.10.2021 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, the petitioner has filed the present application.

Mr. Alamgir, 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 co-accused statement and in view thereof, the petitioner may be granted anticipatory bail on any stringent condition.

Mr. Datta, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses and the seizure list. He further submits that the petitioner is involved in two other proceedings.

Heard the learned advocates and considered the materials in the case diary.

It appears that no contraband substance above commercial quantity was recovered from the possession of the petitioner and

that his name has transpired on the basis of the co-accused statement. The criminal proceedings in which the petitioner is alleged to be involved, do not pertain to narcotics. In the said conspectus, we are of the opinion that the statutory restrictions are not attracted. As such, the petitioner's prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Provash Sanyasi** 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 with a further condition that he shall meet with the Investigating Officer of the case once a week till investigation is complete.

It is further directed that the petitioner shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 70 of 2022 is, thus, 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.)