

08.02.2022

07

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 435 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hili** Police Station Case No. **263** of **2021** dated **21.11.2021** under Sections 21(C)/22(C)/23(C)/27A of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Sanjoy Mahato

..... petitioner

Mr. Kaushik Choudhury

Ms. Busra Khatoon

....for the petitioner

Mr. Ranabir Roychowdhury

Mr. Mainak Gupta

....for the State

This application is taken up for consideration subsequent to the order dated February 2, 2022.

Report as called for by such order filed in Court be taken on record.

The report filed in Court, prima facie, does not establish any nexus between the petitioner and the other co-accused, who made a statement implicating the petitioner while in custody.

Considering the fact that no narcotic was recovered from the possession of the petitioner and considering the fact that the petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody, we are

of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, we grant anticipatory bail to the petitioner.

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, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall meet the Investigating Officer once in a fortnight till the conclusion of the investigation and on condition that the petitioner shall appear before the jurisdictional court on every date fixed and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)