

CRM(A) No.458 of 2022

Via video conference

01.03.22

(S.R.)

Sl.56

Ct.32

Allowed

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Sagarpara** Police Station Case No.08 of 2022 dated 13.01.2022 under Sections 21(c)/29 of the NDPS Act;

And

In re: Paresh Biswas

... petitioner.

Ms. Minoti Gomes

... for the petitioner.

Mr. Ranabir Ray Chowdhury

Mr. Mainak Gupta

...for the State.

Heard the learned advocates appearing for the respective parties 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 statements of co-accused before a police officer, which is inadmissible in evidence. In view thereof, the statutory restrictions are not attracted and as such, the petitioner's custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest the petitioner will 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 the petitioner shall attend the learned court below on all the dates as specified for hearing.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned

trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for bail being CRM(A) No.458 of 2022 is, accordingly, 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.)