

CRM (A) 510 of 2022

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 31.01.2022 in connection with Chakdah Police Station Case No. 301 of 2021 dated 09.07.2021 under Sections 20(b)(ii)(c) of the NDPS Act.

-And-

In the matter of : **Ashish Roy @ Dhalu**

... ...Petitioner

Mr. Prabir Majumder, Advocate

... ... For the Petitioner

Mr. Tapandeb nandy, Advocate

Mr. Antarikhya Basu, Advocate

... ... For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the no narcotic was recovered from the possession of the petitioner. The petitioner is sought to be proceeded against on the basis of the statement of the co-accused made in custody. The police filed charge-sheet.

Learned Advocate appearing for the State draws the attention of the Court to the contents in the case diary.

Considering the fact that no narcotic was recovered from the possession of the petitioner and that the petitioner is sought to be proceeded against on the basis of the statement of the co-accused 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. Moreover, the police filed charge-sheet, we are inclined to 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/- (Rupees Ten Thousand Only), 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 and on further condition that the petitioner shall appear before the Court below and pray for regular bail within four weeks from date and on further condition that the petitioner shall appear before the Court below on every date fixed for hearing.

The prayer for anticipatory bail is allowed.

CRM (A) 510 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)