

04.03.2022
Serial no. 07
Dd

CRM (A) 928 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. **23** of **2022** dated **23.01.2022** under Sections **21(C)/22(C)/23(C)/27A** of the Narcotic Drugs and Psychotropic Substances Act (Corresponding to Special Case no. **08 of 2022**)

-And-

In the matter of : **Ganesh Roy @ Rai**

... **Petitioner**

Ms. Busra Khatoon, Advocate
... ... For the Petitioner

Mr. Saibal Bapuli, Id. APP
Mr. Arani Bhattacharya, Advocates
... ...For the State

Report as called for by the order dated February 24, 2022 filed in Court be taken on record.

The report does not depict any nexus between the petitioner and the co-accused arrested with commercial quantity of narcotic at this stage.

Considering the fact that no recovery was made from the petitioner and considering the fact that the petitioner is sought to be proceeded against on the basis of the statements 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 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 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 appear before the Court below and pray for regular bail within a period of four weeks from date and on further condition that the petitioner shall meet the Investigating Officer once in a fortnight till completion of investigation.

Prayer for anticipatory bail of the petitioner is **allowed.**

CRM (A) 928 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)