

C.R.M. (A) 1572 of 2022

25.04.2022
Sl. 7
Court No.29
sourav
(Allowed)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **S/C No: 02/NDPS/CL/CUS/BCPU/2020-21** dated **12.02.2021** under Sections **20(C)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: **Parimal Barui**

....petitioner.

Mr. Jishan Iqubal Hossain

...for the petitioner.

Mr. Sagar Saha

...for N.C.B.

Ms. Rajashree Venket Kundalia

...for the Customs Authority.

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner is 100 per cent visually challenged. The petitioner pursuant to the order dated April 6, 2022 visited office of the Investigating Officer on April 9, 2022 and on April 24, 2022. He refers to photographs taken of the appearance of his client at the office of the Investigating Officer. On instructions, he submits that the Investigating Officer refused to record the attendance of the petitioner and demanded money for recording his presence.

Learned advocate appearing for the customs submits that the petitioner did not produce any identification proof and, therefore, he cannot be examined.

An investigation is in progress. It is intriguing that the Investigating Officer requires the identification proof of the person appearing before him in response to a notice under

Section 67 of the Narcotic Drugs and Psychotropic Substances Act, 1985. He is not aware of the person who is required to be interviewed thereunder in absence of his identification proof.

The conduct of the Investigating Officer, requires attention of his superiors.

Considering the conduct of the petitioner and the Investigating Officer as noted above and considering the fact that no narcotic was recovered from the possession of the petitioner, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Consequently, we deem it appropriate to enlarge the petitioner on anticipatory bail.

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 condition that the petitioner shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 1572 of 2022 is, thus disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

