

17.05.2022
Serial no. 03
[Dd]
(Anticipatory bail
Allowed)

CRM (A) 2039 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **NDPS seizure case No. S/C NO: 02/NDPS/CL/CUS/BCPU/2020-21** dated **12.02.2021** under Sections **20(b)(ii)(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985, corresponding to NDPS Special Case No. **29** of **2021** dt. **13.02.2021**.

-And-

In the matter of : **Pinaki Mitra**

... .. Petitioner

Mr. Jisan Iqubal Hossain, Advocate
... .. For the Petitioner

Mr. Sagar Saha, Advocate
... ..For the NCB

Ms. Rajashree Venket Kundalia, Advocate
... ..For the Customs

This petition is taken up for consideration subsequent to the order dated May 11, 2022.

Learned advocate appearing for the Narcotic Control Bureau produces the case diary in respect of NCB Crime No. 17/NCB/KOL/2018 dated April 5, 2018. He submits that there was no seizure from the possession of the petitioner.

Learned advocate appearing for the customs submits that the petitioner did not respond to the three notices.

Considering the fact that no narcotic was recovered from the possession of the petitioner and considering the fact that Customs submitted the complaint with the jurisdictional Court and considering the fact that the Custom Authorities are yet to establish any nexus between the petitioner and the person arrested with the commercial quantity of narcotic, we

are of the view that the petitioner is able to overcome the restrictions under Section 37 of 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 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.

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

CRM (A) 2039 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)