

04.08.2022
Serial no.32
Aloke

CRM (A) 3740 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. 116 of 2022 dated 09.05.2022 under Sections 21(C)/22(C)/23(C)/27A of the NDPS Act.

-And-

In the matter of : **Biswajit Mahato @ Biswajit Mahata**
... .. Petitioner

Mr. Bitasok Banerjee, Advocate
Mr. Bibaswan Bhattacharya, Advocate
Mr. Karan Bapuli, Advocate
... .. For the Petitioner

Mr. Ranadeb Sengupta, Advocate
... .. For the State

Learned Advocate appearing for the petitioner submits that the co-accused was granted anticipatory bail by this Hon'ble Court.

No narcotic was recovered from the possession of the petitioner.

The police are proceeding on the basis of the statement of the BSF personnel against the petitioner. Investigating are yet to be concluded.

In such circumstances, 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 condition that the petitioner shall meet the Investigating Officer once in a week till the conclusion of the investigation and on

further condition that the petitioner shall appear on every date 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) 3740 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)