

CRM No.7868 of 2021

Via video conference

06.01.22

(S.R.)

Sl.05

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Bhagwangola** Police Station Case No.434 of 2021 dated 26/09/2021 under Sections 21(c)/29 of the NDPS Act;

And

In re: Rinku Sk. & Anr.

... petitioners.

Mr. Tapodip Gupta

Mr. Aditya Bikram Mahata

... for the petitioners.

Mr. Sudip Ghosh

Mr. Bitasak Banerjee

...for the State.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that no contraband substance above commercial quantity was recovered from the possession of the petitioners and that, their names have transpired on the basis of statement of a co-accused person. In view thereof, the rigours of Section 37 of the NDPS are not attracted and as such, custodial interrogation of the petitioners is not warranted, more so when co-accused person, similarly situated with the present petitioners, had already been granted anticipatory bail by a Coordinate Bench of this Court.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Rinku Sk. and 2. Helin Sk @ Sarwar Sk** will be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, 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 with a further condition that the petitioners shall meet with the investigating officer once in a week until further orders.

It is further directed that the petitioners shall not intimidate the

witnesses or tamper with evidence in any manner whatsoever and shall attend the learned trial court on all the dates specified for hearing.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel their bail without any further reference to this Court.

The application for anticipatory bail being CRM No.7868 of 2021 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)