

12 23.08.2022
(AD)
Court No.29
(Partly
Allowed)

C.R.M. (A) 3999 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. **126 of 2021** dated **27/06/2021** under Sections **21(c)/22(c)/23(c)/27A** of the Narcotics Drugs and Psychotropic Substances Act (Corresponding to Special Case No.48 of 2021).

And

In the matter of: Harish Roy & Anr.

....petitioners.

Mr. Kaushik Chaudhury
Ms. Busra Khatun

...for the petitioners.

Mr. Saryati Datta

...for the State.

Petitioners pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that the second petitioner, namely, Rocky Singh @ Rakki Sing, was arrested and, therefore, the petition may be dismissed as not pressed so far as the second petitioner is concerned.

Accordingly, the petition is dismissed as not pressed in respect of the second petitioner, namely, Rocky Singh @ Rakki Sing.

Learned Advocate appearing for the petitioners submits that the police filed charge sheet and, therefore, custodial interrogation of the first petitioner is not required.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of an independent person recorded under Section 161 of the Code of Criminal Procedure.

The quantity seized here is intermediate. The police filed charge sheet. In such circumstances, we grant anticipatory bail to the first petitioner, namely, Harish Roy.

Accordingly, we direct that in the event of arrest, the petitioner no.1, namely, Harish Roy, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner no.1, namely, Harish Roy, 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 no.1, namely, Harish Roy, in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioner no.1, namely, Harish Roy, is allowed.

C.R.M. (A) 3999 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)