

20.01.2022
Ct. No. 32
Sl. No.265
sdas

C. R. M. 8165 of 2021
[via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure :

And

In Re: *Ujjal Sekh @ Sk.*

... .. Petitioner

Mr. Mrityunjoy Chatterjee

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

Apprehending arrest in connection with Raninagar Police Station Case No. 488 of 2021 dated 23.11.2021 under Section 21(C)/29 of the Narcotic Drugs and Psychotropic Substance Act, this application has been preferred.

Mr. Chatterjee, learned advocate appearing for the petitioner, submits that there had been no recovery of contraband substance from the possession of the petitioner and his name has transpired on the basis of the statements of the co-accused persons. In view thereof, statutory restrictions are not attracted and as such custodial interrogation is not necessary.

Mr. Sengupta, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the several documents in the case diary. Answering to a query of this Court, he submits that the petitioner has no antecedent. However, steps have been taken to ascertain the tower location of two mobile numbers. Let the report as submitted be kept with record.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, telephonic conversation even believed to be true, it may give rise to suspicion but would not justify a prima facie case of conspiracy. In the instant case, there had been no recovery of contraband substance, above commercial quantity, from the possession of the petitioner and his name has transpired on the basis of the statements of the co-accused persons. As such, in our opinion, the rigours of Section 37 of the NDPS Act are not attracted.

Accordingly, we allow this application and direct that in the event of arrest, the petitioner, namely, *Ujjal Sekh @ Sk.* shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be a local, 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 with a further condition that the petitioner shall not leave the jurisdiction of Raninagar Police Station until further orders and shall meet with the investigating officer once in a week till the investigation is complete.

It is further directed that the petitioner shall attend the learned court below on all the dates as specified for hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned court below would be at liberty to cancel his bail, in accordance with law, without any further reference to this court.

The application for anticipatory bail, being CRM 8165 of 2021 is, thus, disposed of.

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

(Ajoy Kumar Mukherjee, J.)

(Tapabrata Chakraborty, J.)