

VB
161. 17.10.2022
Ct.28 Tanmoy/TN

Allowed

C.R.M. (A) 4951 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with **Hogalberia Police Station Case No. 296 of 2022** dated **20/09/2022** under Sections **21/29** of the NDPS Act, 1985.

And

In the matter of: - **Goutam Biswas @ Gotam Biswas & Ors.**

...petitioners.

Mr. Debarshi Brahma,
Mr. Uttam Kumar Halder

...for the petitioners.

Mr. Anowar Hossain,
Mr. Asif Dewan

...for the State.

This is an application for anticipatory bail. Petitioners plead that they have been falsely implicated though no contraband articles were seized from them on the fateful day.

The prayer for grant of anticipatory bail has been opposed by learned Advocate representing the State and the relevant case diary has been produced before us.

We have examined the case diary and the Seizure Memo, wherefrom it does not transpire that the alleged contraband articles were seized from the possession of the petitioners.

In view of the materials available in the case diary and extent of complicity of the petitioners in commission of alleged offence, we find custodial interrogation of the petitioners is not necessary.

Accordingly, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties each of like amount, one of whom must be local, to the satisfaction of the arresting officer. In addition thereto, the petitioners shall comply with the conditions under Section 438(2) of the Code of Criminal Procedure and shall make themselves available before the Investigating Officer when it is required.

In the event the petitioners fail to comply with the aforesaid conditions, the anticipatory bail granted by us shall be cancelled by the Court below without further reference to this Court.

The application being C.R.M. (A) 4951 of 2022 stands allowed and disposed of.

(Saugata Bhattacharyya, J.) (Moushumi Bhattacharya, J.)