

09.08.2023
SL No. A 137
Court No.29
s.biswas
(Allowed)

C.R.M. (A) 2914 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Sainthia GRPS** Case No. **24 of 2022** dated **15.12.2022** under Sections **21(C)/29** of the NDPS Act.

And

In the matter of: **Giriraj Kakra**

....petitioner

Mr. Pawan Kumar Gupta

Ms. Sofia Nesar

Mr. Santanu Sett

...for the petitioners

Mr. Sanjoy Bardhan

Ms. Debjani Dasgupta

...for the State

1. Heard learned Counsel for the parties.
2. Sixty bottles of Phensedyl are stated to have been seized from one Bablu Shah. The basis of the implication of present petitioner is stated to be statement of co-accused persons, who were apprehended at the spot. Admittedly, the petitioner was not found in conscious possession of the alleged contraband because of the fact that he is alleged to have managed to flee from the spot. So far as the antecedent as detailed in paragraph 16 of the petition is concerned, it is submitted that in all the cases, the petitioner is on bail and he is complying with condition of bail except in respect of GRPS Case No.48 of 2022, as he came to know that the present case has been registered against him just one day after GRPS Case No.48 of 2022.

3. Learned counsel for the State submits that for non-compliance of condition in GRPS Case No.48 of 2022, the competent court has issued NBW against the petitioner.
4. We are not on that point inasmuch as the issuance of the aforesaid NBW can be challenged before the competent forum, especially when the petitioner's counsel is submitting that he has stopped complying with the condition imposed in GRPS Case No.48 of 2022, when he came to know about GRPS Case No.24 of 2022.
5. It is further submitted by learned counsel for the petitioner that there is a political angle to initiate multiple cases against the petitioner.
6. It is fairly submitted at the Bar that in no cases, the petitioner has yet been convicted.
7. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation, nature of evidence and substantial progress in investigation, it is directed that the petitioner shall be released on bail in the event of his arrest by the Arresting Officer in the aforesaid GRPS case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the fact that:
 - i) the petitioner is directed to appear before the I.O. once in a week on the day and time fixed by the I.O. for the purpose of investigation till submission of Final Form.
8. Accordingly, the prayer for anticipatory bail is allowed.
9. The application being **CRM (A) 2914 of 2023** is disposed of.

10. The learned Judge, Special Court under the NDPS Act, 1st Court, Suri, Birbhum is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)