

30.08.2023
D/L 49
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3497 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with English Bazar P. S. Case No.892 of 2023 dated 06.06.2023 under Sections 21(C)/27A/29 of the NDPS Act.

In the matter of : Biswajit Basak

... Petitioner

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick

... for the petitioner

Mr. Antarikhya Basu

... for the State

1. Heard learned Counsel for the petitioner and the State.
2. It is fairly submitted at the Bar that the basis of implication of the present accused petitioner is the statement of the co-accused. It reveals from the materials collected so far that no contraband articles have been seized from the possession of the present accused petitioner.
3. In view of such, we are of the view that the present petitioner is successful in overcoming the rigour of Section 37 of the NDPS Act.
4. Regard being had to such facts and submissions, 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 by the Arresting Officer in the event of his arrest in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions:

- i) The petitioner is directed to appear before the IO once in a week on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.
- ii) The petitioner shall not leave the jurisdiction of the P.S. without obtaining prior leave from the IO.

5. Accordingly, the prayer for the anticipatory bail is allowed.

6. Within 21 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.

7. The applications being CRM(A) 3497 of 2023 is disposed of.

8. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)