

31.08.2023
SL. 42
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3568 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Nabadwip** Police Station Case No. **315 of 2023** dated **16.06.2023** under Sections **30(b)C/29** of the NDPS Act.

And

In the matter of: **Gobinda Das**

....petitioner.

Mr. Arindam Jana
Mr. Prasenjit Debnath
Ms. Pritha Biswas

...for the petitioner.

Mr. Sanjoy Bardhan
Mr. Palash Ch. Majhi

...for the State.

1. Heard learned Counsel for both the parties.
2. About 96 k.g.s of Ganja is stated to have been seized from one Sk. Rajesh in between Calcutta to Nabadwip. Said Sk. Rajesh in his statement has stated that he was taking the consignment to deliver to present petitioner, Gobinda Das and Rana Roy @ Krishnendu Roy.
3. Mr. Bardhan, learned Counsel for the State objects to the prayer of the present petitioner mainly on three grounds; i) besides the statement of co-accused Sk. Rajesh there is CDR to indicate that there has been several call exchange between Gobinda Das (present petitioner) and Rana Roy @ Krishnendu Roy including the date of the seizure; ii) there is record of criminal antecedent against the present petitioner though not of similar nature; iii) the investigation is still on. From the materials on record, it is clear that the CDR may be one evidence if statement of the co-accused is found to be admissible by the Trial Court. But that CDR is not indicative of the fact that either of the present petitioner, Gobinda Das or Rana Roy @ Krishnendu Roy had any call exchange with co-accused Sk. Rajesh.
4. Admittedly no contraband having been seized from the conscious position of the petitioner, rigor of Section 37 of the NDPS Act may not come into play at this stage.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation

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 that:

- i) The petitioner is directed to appear before the I.O. twice in a week on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.
 - ii) The petitioner shall not leave the jurisdiction of the P.S. without obtaining prior leave from the I.O. during investigation.
6. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
 7. Within 21 days from today the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
 8. Accordingly, the prayer for the anticipatory bail is allowed.
 9. The application being **CRM (A) 3568 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

