

19.09.2023
M/L 158
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3765 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Egra P. S. Case No.735 of 2022 dated 13.10.2022 under Sections 20(b)(ii)(c)/25/29 of the NDPS.

In the matter of : Dipak Roy

... Petitioner

Mr. Sabir Ahamed,
Mr. Somendra Adhikary,
Mr. Tasnim Ahamed

... for the petitioner

Mr. Ranadeb Sengupta

... for the State

1. Heard learned advocates for the parties.
2. The basis of implication of the present accused petitioner is statement of witness, namely, Makhan Das who stated before the IO that on 13.10.2023, he noticed that two vehicles came in front of the present petitioner wherefrom three others came out and subsequently he came to learn that out of the said two vehicles, from one vehicle a huge quantity of contraband was recovered.
3. In our considered view, the basis of implication of the present accused petitioner is too remote and weak.
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 condition:

- i) The petitioner shall not leave the jurisdiction of the P.S. without obtaining prior leave from the IO during investigation.
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) 3765 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.)