

20.11.2023
SL. 16
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 4288 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Patiram** Police Station Case No. **165 of 2023** dated **07.08.2023** under Sections **21(C)/ 22(C)/ 23(C)/27A** of the NDPS Act.

And

In the matter of: **Rejaul Sarkar @ Rezaul Sarkar**

....petitioner.

Mr. Kaushik Choudhury
Ms. Busra Khatoon

...for the petitioner.

Mr. Sanjoy Bardhan
Ms. Baishakhi Chatterjee

...for the State.

1. Heard learned Counsel for both the parties.
2. On perusal of the entire materials it *prima facie* appears to us that the basis of the implication of the present accused petitioner is the statement of the co-accused from whom commercial quantity of NDPS substance was recovered.
3. Though it is submitted on behalf of the State that immediately prior to the seizure of the contraband articles there was telephonic call between the petitioner and the co-accused but the details of such CDR could not be placed before this Court for our objective satisfaction.
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 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 F.F.

- ii) The petitioner shall not leave the jurisdiction of the P.S. without obtaining prior leave from the I.O. during investigation.

5. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
6. 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.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM (A) 4288 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

