

22.11.2023
SL. 58
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 4491 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Hili** Police Station Case No. **145 of 2023** dated **18.08.2023** under Sections **21(c)/22(c)/23(c)/27A** of the NDPS Act read with Section **46A(b)** of Bengal Excise Act.

And

In the matter of: **Rocky Singh @ Biswajit Singh**

....petitioner.

Ms. Busra Khatoon

...for the petitioner.

Mr. Sanjoy Bardhan

Ms. Debjani Dasgupta

...for the State.

1. Heard learned Advocate for both the parties.
2. It is submitted on behalf of the petitioner that considering the fact that nothing has been seized from the possession of the present petitioner and the basis of the implication of the present accused petitioner being statement of a co-accused, the instant application for anticipatory bail may be considered and favourably.
3. Mr. Bardhan, learned Advocate for the State does not dispute such contention but he placed materials to show that during the relevant period that is in between 29.07.2023 to 27.08.2023 128 numbers of calls have been found in between the present petitioner and the accused from whom the contraband was seized.
4. However, it is fairly submitted by Mr. Bardhan, learned Advocate for the State that the contents of such CDR could not be collected as yet.
5. Considering the entire circumstances this Court is of the view that the present petitioner is successful in overcoming the trigger of Section 37 of NDPS Act.

6. 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. 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.

7. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.

8. 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.

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

10. The application being **CRM (A) 4491 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

