

19.12.2023
ML. 80
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 4745 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. **171 of 2023** dated **17.09.2023** under Sections **21(c)/22(c)/23(c)/27A** of the NDPS Act corresponding to G.R. case No. **1894 of 2023**.

And

In the matter of: **Chhotan Pramanik**

....petitioner.

Mr. Kaushik Choudhury
Ms. Busra Khatun

...for the petitioner.

Mr. Sanjoy Bardhan
Ms. Baishakhi Chatterjee

...for the State.

1. Heard learned Counsel for both the parties.
2. 49 gms. of yaba tablet is alleged to have been seized from the co-accused person and it is submitted by learned Counsel for the petitioner that the basis of implication of the present petitioner in the statement of the co-accused. Further it is submitted by learned Counsel for the petitioner that the quantity of contraband seized is less than commercial quantity though more than small quantity.
3. Such position is admitted by Mr. Bardhan, learned Counsel for the State but he object to prayer of bail on the ground that according to CDR it is found that there is 57 exchange of calls between the petitioner and the co-accused who was arrested contents of which of course is not available on record.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence, quantity of contraband seized 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 that:

- i) The petitioners are 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.

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. along with 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) 4745 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Ajay Kumar Gupta, J.)

