

19.12.2023

ML. 87

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 4760 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hogolberia** Police Station Case No. **221** of **2023** dated **26.09.2023** under Sections **21(c)/29** of the NDPS Act (corresponding to NDPS Case No. 71 of 2023).

And

In the matter of: **Amit Sarkar @ Amit Kumar Swarnakar**

....petitioner.

Mr. Ashok Das

Mr. Amanul Islam

Mr. Sourav Mukherjee

...for the petitioner.

Mr. Saryati Dutta

...for the State.

1. Heard learned Counsel for the parties.
2. It is fairly submitted at the Bar that the basis of implication of the present petitioner is the statement of the co-accused and nothing was seized from his possession.
3. Learned Counsel for the State submits that there is, however, one criminal antecedent under NDPS Act against the petitioner.
4. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation, nature of evidence and substantial progress in investigation, it is directed that petitioner shall be released on bail in the event of his arrest by the Arresting Officer 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 fortnight on the day and time fixed by the I.O. for the purpose of investigation till submission of Final Form.
 - ii) The petitioner shall not involve himself in similar such offence during the currency of this order and if he is found to be involved in any such offence, that will be considered with gravity against him at the time of consideration of prayer of bail or anticipatory bail.
5. 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.
6. Accordingly, the prayer for anticipatory bail is allowed.
7. The application being **CRM (A) 4760 of 2023** is disposed of.
8. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

