

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

**23.08.2023
Court No.1
(AK 45)**

CRM(A) 625 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Kharibari Police Station Case No. 173 of 2023 dated 16.07.2023 under Sections 21(b) and 22(b) of the NDPS Act.

And

In the matter of: **Bishwa @ Bhiswa Bahadur Barman
@ Bhiswa Burman**

.**Petitioner.**

Ms. Rima Sarkar
Ms. Sidhi Sethia

...for the petitioner.

Mr. Nilay Chakraborty
Mr. Ujjwal Luksom
Ms. Namrata Das

...for the State.

Admittedly, no recovery of contraband substances was made from the petitioner before us. The petitioner's name transpired from a statement of the co-accused.

We are also informed that two of the other accused persons have been granted bail by the NDPS Court, Siliguri. It is also submitted on behalf of the petitioner that the contraband substance is recovered is of intermediate quantity.

The factors as stated above persuade us to allow the prayer for anticipatory bail.

We are of the view that custodial interrogation of the petitioner is not required.

The prayer for anticipatory bail is hence allowed.

We accordingly direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each, one of who must be local, to the satisfaction of the Arresting Officer and also comply with the conditions laid down under Section 438(2) of The Code of Criminal Procedure, 1973. The petitioner shall cooperate with the investigation and make himself available for questioning to the Investigating Officer once in a fortnight until further orders. The petitioner shall also not intimidate any witnesses or tamper with any evidence in any manner whatsoever.

The application for anticipatory bail being CRM(A) 625 of 2023 is allowed and disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)