

31.08.2023
Court No.01
rpan/17

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

CRM (A) 715 of 2023
In Re : Afgar Ali @ Natu
- Petitioner

Mr. Kumar Shantanu
....for the Petitioner.

Mr. Kallol Acharjee,
Mr. Dhiman Sil
..... for the State.

Apprehending arrest in connection with Birpara Police Station Case No.40 of 2023 dated 01.04.2023 under Sections 21(c)/25/29 of the NDPS Act, 1985, the present application has been preferred.

Mr. Shantanu, learned advocate appearing for the petitioner submits that there had been no recovery of contraband substance from the possession of the petitioner and as such, his custodial interrogation may not be necessary.

Mr. Acharjee, learned advocate appearing for the State, however, opposes the petitioners' prayer and draws our attention to several documents in the case diary.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, it appears that the name of the petitioner has transpired on the basis of the statement of co-accused persons made before a police officer which is inadmissible in

evidence. In view thereof, we are of the opinion that custodial interrogation of the petitioner is not necessary.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Afgar Ali @ Natu** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that he shall meet with the Investigating Officer of the case once a week till the investigation is complete.

It is further directed that the petitioner shall not intimidate the witnesses and/or tamper with the evidence in any manner whatsoever.

The application for anticipatory bail, being CRM (A) 715 of 2023, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Lapita Banerji, J.)

(Tapabrata Chakraborty, J.)