

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

**04.01.2023
Court No.1
(SKB 66)**

CRM(A) 685 OF 2022

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Mathabhanga Police Station Case No.223 of 2020 dated 03.07.2020 under Sections 18(b)/20(b)(II)(b) of the NDPS Act.

And

In the matter of: **Pushpa Barman @ Pushpa Jit Barman**
... .**Petitioner.**

Mr. Subhasish Misra,
Mr. Swarup Das

... For the Petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Biswarup Roy

... For the State.

An amount of narcotic substance was allegedly recovered from the petitioner's house. The raid was conducted jointly by the State and the BSF in broad daylight and according to learned counsel for the petitioner, there are no independent witnesses at the time of raid and the subsequent recovery. The petitioner has not been traced since the date of the recovery, which is 3rd July, 2020.

Learned counsel appearing for the State opposes the prayer for anticipatory bail.

The material placed before us persuade us to grant anticipatory bail to the petitioner. We have considered the relevant submissions and the documents. Since the petitioner has not been traced for almost 2½ years, we deem it fit to direct that the petitioner should surrender before the learned Additional Sessions Judge, Cooch Behar within 15 days from today.

We accordingly direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of like amount 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 co-operate 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) 685 of 2022 is allowed and disposed of in terms of the above.

(SIDDHARTHA ROY CHOWDHURY, J.)

(MOUSHUMI BHATTACHARYA, J.)