

09.07.2024
Court No.29
Item No. 52

Allowed

sg

CRM (A) 2265 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Hemtabad Police Station Case No. 61 of 2024 dated 30.03.2024 under Sections 21(c)/29/25 of the NDPS Act, pending before the learned Additional District Judge, 1st Court, (Special Court), Raiganj, Uttar Dinajpur.

And

In Re: **Biplab Sarkar @ Biplob Sarkar**
Petitioner

Mr. Kalidas Saha
Ms. Khushi Mollick

For the Petitioner

Mr. Anindya Sunder Chatterjee

For the State

1. Considering the fact that the name of the petitioner transpires from the statement of the co-accused during police custody and also having regard to the fact that the seizure list does not show that the auto rickshaw, the vehicle used for transportation of contraband items, belongs to the petitioner, the petitioner is able to rebut the presumption under Section 37 of the NDPS Act, and we are of the view that custodial interrogation of the present petitioner is not necessary.
2. Accordingly, we direct that in the event of arrest the petitioner namely, **Biplab Sarkar @ Biplob Sarkar**, 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 Arresting Officer and subject to conditions as laid down under Section 438(2) of the Code of Criminal

Procedure and on further condition that he shall appear before the trial court within two weeks from date and thereafter shall appear on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

3. In the event petitioner fails to comply with any of the conditions, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
4. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
5. CRM (A) 2265 of 2024 is, thus, disposed of.
6. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)