

19.02.2024
Item No.65
Ct. No. 29
CHC
Allowed

C.R.M.(A) 5290 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Balurghat** Police Station Case No. **502** of **2017** dated **03.12.2017** under Sections **21(c)/22(c)/25** of the Narcotics Drugs Psychotropic Substances (NDPS) Act and added Sections **23(c)/27(A)** of the said Act.

And

In the matter of : Pradeep Sarkar @ Pradip Kumar Sarkar
..... petitioner

Mr. Pawan Kumar Gupta,
Mr. Shiladitya Barma
....for the petitioner

Mr. Bidyut Kumar Ray,
Mr. Anup Mondal
....for the State

Petitioner prays for anticipatory bail subsequent to the order dated November 18, 2023 passed in the criminal revisional application filed at the behest of the petitioner being C.R.R.3751 of 2023.

The police case is dated December 3, 2017. Police did not take any steps with regard thereto as against the petitioner.

It is only after the jurisdictional Court questioning the conduct of the investigation that the police started proceeding against the petitioner. Subsequently, the petitioner approached the revisional Court in which the above noted order was passed.

We perused the materials in the Case Diary.

It appears from the Case Diary that, police are proceeding against the petitioner at best on the basis of hearsay evidence.

In such circumstances, we are of the view that petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Consequently, we grant anticipatory bail to the petitioner.

Police filed charge-sheet.

Accordingly, we 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 only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 5290 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)