

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

13.03.2024
Court No.1
(89)
(AK)

CRM(A) 186 of 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Cooch Behar Kotwali Police Station Case No. 1023 of 2023 dated 14.09.2023 under Sections 21(C)/22(C)/25/28/29 of the NDPS Act.

And

In the matter of: **Mijanur Rahaman @ Mijanul Rahaman**
@ Babu Bhaijan

.**Petitioner.**

Mr. Sudip Guha
Mr. Sandip Guha Roy

... For the Petitioner.

Mr. Abhijit Sarkar
Mr. Aniruddha Biswas

... For the State.

1. Admittedly, two persons from who recovery was made was enlarged on bail and the owner of the truck was granted anticipatory bail by the Learned Additional Sessions Judge, Cooch Behar (NDPS) on 15th January, 2024.
2. The prosecution's objection to grant of anticipatory bail is based on a larger number of phone calls exchanged between the petitioner and the accused from who recovery was made between January-September, 2023.
3. Learned counsel appearing for the prosecution submits that custodial interrogation of the petitioner is required.
4. However, considering the fact of three of the co-accused being released on bail and anticipatory bail and the observations of the Supreme Court in *Ashok Kumar vs. State of Union Territory Chandigarh Special Leave Petition (CRL No.9949/2023)* pronounced by the Supreme Court on 1st march, 2024.

5. We are hence of the view that the petitioner's custodial interrogation is not required and the prayer for anticipatory bail should be allowed.
6. We, accordingly, grant the application for anticipatory bail.
7. 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 each of like amount to the satisfaction of the Arresting Officer and also to comply with the conditions laid down under Section 438(2) of The Code of Criminal Procedure, 1973. The petitioner shall join the investigation and make himself available for questioning to the Investigating Officer once every week till completion of the investigation. The petitioner shall also not intimidate any witnesses or tamper with any evidence in any manner whatsoever. The petitioner shall also not leave the local limits of the concerned police station without leave of the Investigating Officer.
8. The application for anticipatory bail being CRM(A) 186 of 2024 is allowed and disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)