

24.04.2024
SL No.5
Court No.1
(gc)
(Allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 323 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with NDPS Case No. 01 of 2024 arising out of Kotwali Police Station Case No.22 of 2024, dated 08.01.2024 under Sections 21(b)/22(b)/29 of the NDPS Act.

And

In the matter of : **Koushik Sarkar @ Bishwa @ Biswa**

- Petitioner.

Mr. Arjun Chowdhury,
Ms. Pratusha Dutta Chowdhury,
Ms. Riya Agarwal

... For the Petitioner.

Mr. Abhijit Sarkar,
Ms. Sukanya Adhikary

... For the State.

1. The learned Counsel for the petitioner submits that the petitioner has been falsely implicated and his name transpired during recording the statement of the co-accused persons. It is further submitted that the co-accused persons are already enlarged on bail.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail has submitted that the petitioner could be the kingpin and his custodial interrogation is necessary.

3. Considering the materials available in the case diary and the fact that the petitioner was apprehended on the basis of the statement of a co-accused and that recovery of the contraband is less than the commercial quantity and the petitioner is successful in making out a case for rebutting the statutory restriction under Section 37 of the NDPS Act, we are inclined to grant anticipatory bail to the petitioner.
4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Koushik Sarkar @ Bishwa @ Biswa** be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. It is further directed that the present accused petitioner shall meet the Investigating Officer of this case twice in a week and shall not leave the territorial jurisdiction of the learned Trial Court unless such permission is given by the Trial Court till submission of the final report.
5. The application for anticipatory bail 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.)

(Partha Sarathi Sen, J.)