

12.08.2024
Court No.1
SL No.26
pk/AP

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

CRM(A) 518 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jaigaon** P.S. Case No.**88 of 2024** dated **07.05.2024** under Sections **17(a)/29** of the NDPS Act.

And

In the matter of: **Bappi Islam**

....Petitioner.

Ms. Beblina Roy
Mr. Gopal Roy
Mr. Bibek Tarafder
Ms. R. Chakraborty

...for the petitioner.

Mr. Abhijit Sarkar
Mr. Chattu Roy

...for the State.

1. The application for anticipatory bail is canvassed on the ground that the petitioner's name has been transpired from the statement of a co-accused. Admittedly, 02.70 grams of brown sugar was recovered from the main accused

2. Counsel for the State submits that the petitioner is a person with antecedents of offences under NDPS Act in several pending cases. The State may take steps in accordance with law in the said cases.

3. In the instant case, this Court is of the view that since there is no direct evidence against the petitioner and no contraband has been recovered from his possession, he has made out a case of anticipatory bail.

4. In the above circumstances, this Court is inclined to grant anticipatory bail to the petitioner.

5. In the event of arrest in connection with Jaigaon P.S. Case No.88 of 2024 dated 07.05.2024, the petitioner shall be released on bail upon furnishing a Bond of Rs.20,000/- with two sureties of like amount each, one of whom must be local, 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 further condition that the petitioner shall cooperate with the investigation and on further condition that the petitioner shall appear before the court below and pray for regular bail within a fortnight from date.

6. In the event the petitioner fails to comply with the aforesaid conditions as enshrined hereinabove, the bail of the petitioner shall automatically stand cancelled without any further reference to this Court.

7. The application for anticipatory bail is, thus, disposed of.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)