

07.11.2024
Item no. 23.
Court No.1.
AB
(Allowed)

Calcutta High Court
In the Circuit Bench at Jalpaiguri

CRM (A) 526 of 2024
with
CRAN 1 of 2024
CRAN 2 of 2024

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973/Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kalchini Police Station Case No.154 of 2023 Dated 27.09.2023 under Sections 22C of the NDPS Act

And

In the matter of : Santosh Lama Pakhrin

.....Petitioner.

Mr. Projnadeepta Roy
Mr. Nasir Alifor the Petitioner.

Mr. Sourav Ganguly
Ms. Namrata Dasfor the State.

Dictated by Arijit Banerjee, J.

In re : CRAN 1 of 2024

1. This is an application for condonation of delay of 82 days in filing an application for restoration of CRM (A) 526 of 2024, which was dismissed for default on August 13, 2024.
2. Causes shown being sufficient, the delay is condoned.
3. CRAN 1 of 2024 is disposed of.

In re : CRAN 2 of 2024

4. This is an application for restoration of CRM (A) 526 of 2024, which was dismissed for default on August 13, 2024.
5. Having heard learned Counsel for the parties, we are satisfied with the explanation furnished for absence of learned Advocate for the petitioner on the day the matter was dismissed for default.
6. Accordingly, the order dated August 13, 2024, is recalled.
7. CRM (A) 526 of 2024 is restored to its original file and number.
8. CRAN 2 of 2024 is disposed of.

In re : CRM (A) 526 of 2024

9. The petitioner says that he has been falsely implicated. His name has been included in the first information report on the basis of statements made by co-accused persons. The petitioner has no truck with the transaction regarding contraband items. He says that he is prepared to cooperate with further investigation, if any. He prays for pre-arrest bail.
10. Opposing the prayer, learned State Counsel says that huge quantity of contraband item is involved. The petitioner has evaded investigation.
11. Considering the fact that the petitioner has been implicated on the basis of statement of a co-accused

person and that the prime accused from whom recovery was made has been granted statutory bail today itself because the FSL report was not filed with the charge sheet, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he cooperates in further investigation, if any.

12. Accordingly, in the event of arrest, the petitioner, namely **Santosh Lama Pakhrin** shall be released on bail upon furnishing a bond of Rs.25,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that he shall report to the Investigating Officer once in a fortnight till completion of investigation.
13. In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.
14. The application for anticipatory bail is allowed.
15. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)

