

**In The High Court at Calcutta
In the Circuit Bench at Jalpaiguri**

06.01.2025
S.Bag/ct. 1
sl no. 27

CRM (A) 838 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/ Section 438 of the Code of Criminal Procedure, 1973 in connection with Phansidewa Police Station Case No. 280/2024 dated 20.07.2024 Under Sections 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

And

In the matter of: RASIDUL MIAH
Mr. Hillol Saha Podder, Adv.
..... for the petitioner

Mr. Abhijit Sarkar, Adv.
Mr. Dhiman Sil, Adv.
..... for the State

The petitioner prays for anticipatory bail in connection with a case registered under sections under Sections 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

It is submitted on behalf of the petitioner that no recovery of the contraband item was found from him. The only ground on which the petitioner has been implicated is the statements of the co-accused persons. The petitioner is prepared to fully cooperate with the Investigating Officer.

The State is represented and submits that there is no contraband substance found from the possession of the petitioner and the only evidence against the petitioner is the statement of co-accused.

Considering the facts that there was no recovery of the contraband item from the petitioner, and that there is other

incriminating evidence insofar as the petitioner is concerned, we are of the view that custodial interrogation of the petitioner of the petitioner may not be necessary so long as he co-operates with the Investigating Officer.

In view of the above, we are inclined to grant bail to the petitioner. The prayer for bail is allowed.

Accordingly, in the event of arrest of the petitioner, namely, Rasidul Miah shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer, subject to conditions that he shall appear before the Trial Court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit any similar offences in the future.

In the event, the petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

In view of the above, the application for bail being CRM(A) 838 of 2024 stands disposed of.

(Ravi Krishan Kapur, J.)

(Uday Kumar, J.)