

07.01.2025
SK/ct. 1
sl no. 4

**In The High Court at Calcutta
In the Circuit Bench at Jalpaiguri
CRM(A)/953/2024**

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with GR Case No.819/2021 in Phansidewa Police Station Case No.280 of 2024 dated 20.07.2024 under sections 20(b)(ii)(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: JEARUL HOQUE petitioner

Mr. Hillol Saha Poddar,

..... for the petitioner

Mr. Kallol Acharjee,

Mr. Kallol Nag,

..... for the State

The petitioner prays for pre-arrest bail.

It is submitted on behalf of the petitioner that there has been no recovery of the contraband substance from him. The petitioner is only the owner of the vehicle in which the contraband substance was allegedly found. The petitioner has been implicated on the basis of the statement made by the co-accused. It is also submitted that the other co-accused similarly placed has been granted pre arrest bail.

The State is represented and submits that there has been no recovery from the petitioner.

Considering the facts and circumstances of the case and the fact that there has been no recovery of the contraband items from the petitioner, we are of the view that immediate custodial interrogation of the petitioner may not be necessary, so long as he cooperates with the Investigating Officer.

The prayer for anticipatory bail stands allowed.

In the event of arrest of the petitioner, namely, Jearul Hoque he 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 and subject to the condition 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 similar offences in future.

It is further directed that the petitioner shall meet the Investigating Officer of the case every week until further orders.

In the event 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.

This order shall remain operative for a period of four weeks from date within which the petitioner shall surrender before the Trial Court. The Trial Court is at liberty to consider the prayer for bail on its own merits without being influenced by any observations made by this Court.

With the above directions, CRM(A)/953/2024 stands allowed.

(Ravi Krishan Kapur, J.)

(Uday Kumar, J.)