

7.
28-07-2021
(ct. no.32)
debajyoti

CRM 1271 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Suti Police Station Case No.221 of 2020 dated 30-05-2020 under Section 21(c) of the N. D. P. S. Act.

- A n d -

**In the matter of : Rabiul Islam @ Jongli @ Robiul Mahaldar
& Ors.
.... Petitioners.**

Mr. Anisur Rahaman

... For the Petitioners.

Mr. Sanjoy Bardhan,
Ms. Manisha Sharma

... For the State.

Admittedly, no recovery of contraband was made from the petitioners. Recovery of commercial quantity was made from two accused persons. On the basis of the statements made by those two persons, the petitioners have been sought to be implicated.

The State refers to the Case Diary and opposes the prayer for anticipatory bail.

We have considered the material in the Case Diary and heard learned counsel for the parties. Since there was no recovery from the petitioners, the statutory restriction contained in Section 37 of the NDPS Act is not attracted. We are, therefore, of the view that immediate custodial interrogation of the petitioners may not be necessary, subject to the petitioners cooperating with the Investigating Officer in all respects.

Accordingly, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties

of like amount each, one of whom must be local, to the satisfaction of the arresting officer of the concerned police station and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

The application for anticipatory bail being CRM 1271 of 2021 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(**Suvra Ghosh, J.**)

(**Arijit Banerjee, J.**)