

29.07.2021

(Via Video Conference)

Court No.28
Item No.392
(allowed)

CRM 1506 of 2021

Saswata
&
ab

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Jalangi Police Station Case No. 172 of 2019 dated 07.03.2019 under Sections 21(C)/29 of the NDPS Act;

And

In the matter of : **Asadul Sk.**

...Petitioner

Mr. M. Chatterjee

Mr. Md. G.N.Imrohi

...For the Petitioner

Mr. Swapan Banerjee

Mr. Suman De

...For the State.

Apprehending arrest in connection with Jalangi Police Station Case No. 172 of 2019 under Sections 21(C)/29 of the NDPS Act, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The petitioner has been implicated in the instant case on the basis of the statement of the co-accused. No contraband was recovered from the exclusive possession of the petitioner. Since the statement of the co-accused made before the police is inadmissible at this stage, obviously, we do not think that custodial interrogation of the petitioner is necessary.

The prayer for anticipatory bail is thus allowed.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of ₹10,000/-, 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 on condition that he shall attend the Trial Court on every day of hearing until further orders and on further conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

In the event, the petitioner fails to do so without any justifiable

cause, the Trial Court shall be at liberty to pass an appropriate order in accordance with law without any further reference to this Court.

The application for anticipatory bail being CRM 1506 of 2021 is, thus, ***disposed of***.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)