

30. 13.08.2021

Ct.32

Tanmoy

Allowed

C.R.M. 1967 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **19/02/2021** in connection with **Bhagwangola Police Station Case No. 32 of 2021** dated **17/01/2021** under Sections **21(C)/29** of the N.D.P.S. Act. (N.D.P.S. Case No. **19 of 2021**)

And

In the matter of: - **Sk. Jamirul Haque @ Kalu**

....petitioner.

Ms. Rabia Khatoon

...for the petitioner.

Mr. Saibal Bapuli, Ld. A.P.P.,

Mr. Soumik Ganguly

...for the State.

It is not in dispute that no narcotic substance was recovered from the possession of the petitioner and his name transpired from statement of a co-accused.

In view of the same and as no narcotic substance over commercial quantity was recovered from the petitioner, we are inclined to hold that the rigors of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 are not attracted and the petitioner may be granted anticipatory bail.

Accordingly, in the event of arrest, the petitioner 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

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.

The application being C.R.M. 1967 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)