

04.08.2021
Item no.55.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 2250 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 26.02.2021 in connection with Islampur Police Station Case No.1810 of 2014 Dated 27.09.2014 under Sections 27/28A/28B/30/31 of the Drugs and Cosmetics Act read with Section 23 of the NDPS Act

And

In the matter of : Gafur Alam @ Adulmagfur

.....Petitioner.

Mr. Kaushik Choudhury,
Ms. Busra Khatoonfor the Petitioner.

Mr. Anowar Hossain,
Ms. Ratna Ghoshfor the State.

The petitioner is one of the two accused persons. The charge is under the provisions of the NDPS Act, 1985. Commercial quantity of contraband article was recovered from a car. The petitioner is not the registered owner of the car. There was no recovery from the possession of the petitioner. The petitioner has been implicated on the basis of the statement of the co-accused, who was the driver of the vehicle concerned.

We have considered the facts and circumstances of the case and the material in the case diary. In view of there being no recovery of contraband article from the petitioner's

possession, the restriction in Section 37 of the NDPS Act would not be attracted.

On an overall assessment of the material on record, we are inclined to allow the petitioner's prayer for 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 until further orders.

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 for anticipatory bail being C.R.M. No.2250 of 2021 is, thus, allowed.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)