

13.08.2021

Sl. No. 46

Srimanta

Ct. No. – 32

D/L

CRM/2682/2021

(Via Video Conference)

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 for apprehension of arrest in connection with Jalangi Police Station Case No. 16/2021 dated 14.1.2021 under Sections 21(c) /29 of the Narcotic Drugs and Psychotropic Substances Act.

In the matter of : Samirul Molla @ Mamirul Molla.

... petitioner.

Mr. Jisan Iqubal Hossain, Adv.

...for the petitioner.

Mr. Sanjoy Bardhan, Adv.,

Ms. Maisha Sharma, Adv.

...for the State.

Admittedly, no narcotic substance was recovered from the possession of the petitioner. The State refers to statements of some witnesses who have named the petitioner as one of the persons who fled away from the spot when alleged recovery of narcotic substance was made. However, on perusal of the said statement it appears that the independent witnesses have gathered the name of the petitioner from the co-accused who was arrested from the spot and from whom narcotic substance above commercial quantity was recovered.

Having considered the material in the Case Diary and also the fact that no narcotic substance was recovered from the petitioner and his name has transpired from the statement of a co-accused we are inclined to hold that the statutory restrictions under Section 37 of the N.D.P.S. Act are not attracted and the petitioner may be granted anticipatory

bail so long as he cooperates with the Investigating Officer, as investigation is still continuing.

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. 2682 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.)