

09. 17.09.2021

Ct.32

Tanmoy

Allowed

C.R.M. 2760 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **16/03/2021** in connection with N.D.P.S. Case No. 25 of 2021 arising out of **Lalgola Police Station Case No. 40 of 2021** dated **27/01/2021** under Sections **21(c)/29** of N.D.P.S. Act, 1985.

And

In the matter of: - **Jiarul Islam @ Jiyarul Hoque**

...petitioner.

Ms. Sreyashee Biswas,
Mrs. Benajir Hasna

...for the petitioner.

Mr. Sanjoy Bardhan,
Mr. Nirupam Dhali,
Mr. Palash Chandra Majhi

...for the State.

Admittedly, there was no recovery of contraband items from the petitioner. The petitioner's name transpired from statements made by the co-accused persons from whom recovery was made. In view of there being no recovery from the petitioner, the statutory restriction in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 is not attracted.

We have seen the material in the Case Diary. *Prima facie*, there is no direct implication of the petitioner in the alleged offence. Charge-sheet has been submitted and subsequently, upon obtaining the chemical analysis report, supplementary charge-sheet has also been submitted.

On an overall assessment of the material on record and the extent of possible complicity of the petitioner in the alleged

offence, we are of the opinion that immediate custodial interrogation of the petitioner is not necessary.

Accordingly, in the event of arrest, the petitioner, *viz.*, **Jiarul Islam @ Jiyarul Hoque** 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. 2760 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.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)