

20.09.2021

CRM 2879 of 2021

Court No.32
Item No.52
(ALLOWED)

akd

In Re:- An application for bail under section 438 of the Code of Criminal Procedure filed on 19.03.2021 in connection with Jalangi Police Station Case No. 297 of 2020 dated 12.07.2020 under Sections 188/353/379/411/413/414/34 of the Indian Penal Code and Sections 21/22/23/24 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : **Amrul Sk. & Anr.**

...Petitioners

**Ms. Minoti Gomes,
Mr. Jisan Iqubal Hossain.**

...For the Petitioners.

Mr. Sudip Ghosh.

...For the State.

Admittedly there was no recovery of contraband items from the petitioners.

They say they are residents of villages near the place of recovery.

In view of there being no recovery from the petitioners, the restrictions in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 would not be attracted.

We have seen the material in the case diary. Prima facie there is no direct implication of the petitioner in the alleged offence. Further, charge sheet has been submitted.

On an overall assessment of the material in the case diary and the facts and circumstances of the case and considering the extent of complicity of the petitioners in the alleged crime, we are of the opinion that immediate custodial interrogation of the petitioners may not be necessary so long as they cooperate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, namely, **Amrul Sk. and Anarul Mondal**, shall be released on bail upon furnishing a bond of Rs. 10,000/- each, 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 the event the petitioners fail to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 2879 of 2021 is, thus, allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)