

CRM 3059 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Lalgola Police Station Case No.40 of 2021 dated 27-01-2021 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Habibur Sk @ Habibur Rahaman

.... Petitioner.

Mr. Arnab Saha

... For the Petitioner.

Mr. Swapan Banerjee,
Mr. Suman De

... For the State.

Admittedly, there was no recovery of contraband items from the petitioner. He has been implicated on the basis of statements made by co-accused persons.

It appears that another co-accused person has been granted anticipatory bail by this Bench on September 17, 2021 in CRM 2760 of 2021. From a perusal of the material on record, it appears that the present petitioner is similarly circumstanced as that person.

There being no recovery from the petitioner, the restrictions in Section 37 of the NDPS Act would not be attracted.

On an overall assessment of the material on record and keeping in mind that Charge Sheet has been submitted, we are of the view that immediate custodial interrogation of the petitioner is not necessary.

Accordingly, in the event of arrest, the petitioner, namely, **Habibur Sk @ Habibur Rahaman**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer. The petitioner shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In the event the petitioner fails 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 3059 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.)**