

17.
29-07-2021
(ct. no.32)
KOLE
allowed

CRM 3395 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gangarampur Police Station** Case No. **137 of 2020** dated **03.05.2020** under Sections **21 (c)/27A** of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Golam Mostafa

.... Petitioner.

Mr. K. Choudhury,

... For the Petitioner.

Mr. T. Nandy,

Mr. A. Basu,

... For the State.

The charge against the petitioner is under the provisions of the NDPS Act, 1985.

It is not in dispute that there was no recovery of contraband items from the petitioner. The petitioner has been implicated on the basis of a statement made by the co-accused. Since there was no recovery from the possession of the petitioner, the statutory restrictions under Section 37 of the NDPS Act are not attracted.

In the facts and circumstances aforesaid and considering the material in the Case Diary, 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.

The application of anticipatory bail being CRM 3395 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.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)