

41. 01.10.2021

Ct.32

Tanmoy

Allowed

C.R.M. 3457 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **20/04/2021** in connection with **N.D.P.S. Case No. 213 of 2020** arising out of **Lalgola Police Station Case No. 334 of 2020** dated **17/09/2020** under Sections **21(c)/29** of the N.D.P.S. Act, 1985.

And

In the matter of: - **Saimuddin Sk**

...petitioner.

Mr. Arnab Saha,
Mr. Abhimanyu Banerjee

...for the petitioner.

Mr. Sanjoy Bardhan,
Ms. Manisha Sharma

...for the State.

Admittedly, there was no recovery of contraband items from this petitioner. His name has transpired from the statement made by a co-accused person. In view of there being no recovery from the petitioner, the statutory 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 including the seizure list and the statements of witnesses.

On an overall assessment of the material on record and the possible extent of complicity of the petitioner in the alleged offence and also noticing that charge-sheet has been submitted, we are of the view that immediate custodial interrogation of the petitioner is not necessary so long as he co-operates with further investigation, if any.

Accordingly, in the event of arrest, the petitioner, *viz.*, **Saimuddin Sk** 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 for anticipatory bail being C.R.M. 3457 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.)