

16.12.2021
Item no.559
Court No.32
Avijit Mitra

C.R.M. 4462 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : Nidaul Sekh @ Nedaur Sk.

.... petitioner

Mr. Soumya Basu Roy Chowdhury

....for the petitioner

Mr. Ranadeb Sengupta

..... for the State

Apprehending arrest in connection with Nabagram Police Station Case No.121 of 2021 dated 19.05.2021 under Sections 20(b) of the N.D.P.S. Act, the present application has been preferred.

Heard the learned advocates appearing for the respective parties. Let the report of the S.I. of Police, Nabagram Police Station, as filed, be kept on record.

It appears that no contraband substance above commercial quantity was recovered from the possession of the petitioner and that his name has transpired on the basis of a co-accused statement. In view thereof, the rigors of Section 37 are not attracted, more so when it appears that the petitioner has no antecedents and as upon completion of investigation chargesheet has been submitted.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Nidaul Sekh @ Nedaur Sk.**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) with two sureties of like amount each, to the

satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The petitioner shall attend the learned Trial Court on all the dates as fixed for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 4462 of 2021 is disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)