

23.11.2021
Court No.29
SL No.84
AP

CRM 4635 of 2021
(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Suti P.S. Case No.230 of 2021** dated **22.06.2021** under Sections **21(C)/29** of the NDPS Act.

And

In the matter of: **Ekbar Sk @ Ali @ Ekbar**

....Petitioner.

Mr. Jisan Iqubal Hossain

...for the Petitioner.

Mr. Ranadeb Sengupta

...for the State.

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. He submits that the petition was adjourned on the previous occasion in order to allow the learned advocate for the State to appraise the Court as to whether there was any further material as against the petitioner or not.

Learned advocate appearing for the State submits that the petitioner was named by a co-accused from whom narcotic substances of commercial quantity was seized. He submits that there are, however, no other materials in the case diary against the petitioner. However, the investigations are yet to be concluded.

Considering the materials in the case diary and considering the fact that no contraband was seized from the possession of the petitioner and considering the fact that the petitioner was sought to be implicated on the basis of the statement of the co-accused, we are of the view that the petitioner is able to rebut the statutory restrictions under Section 37 of the NDPS Act, 1985. Consequently, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further conditions that the petitioner shall meet the investigating officer once in a fortnight until further orders and on condition that the petitioner shall appear before the jurisdictional court on every date fixed and pray for regular bail within a period of four weeks from date.

The application for anticipatory bail is, thus, allowed.

(Bibhas Ranjan De, J.)

(Debangsu Basak, J.)