

10.12.2021
Court No.32
Item No. 197
Krishnendu
Allowed

**C.R.M. 6122 of 2021
(Via Video Conference)**

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

And

In re: **Gulam Murtuja & Ors.**

Petitioners

Mr. Mazahar Hossain Chowdhury

For the Petitioners

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

For the State

Apprehending arrest in connection with Gangarampur Police Station Case No. 201 of 2020 dated 24.06.2020 under Sections 22©/23©/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, the present application has been preferred.

The learned advocate appearing for the petitioners submits that the petitioner have been falsely implicated. No contraband substance, above commercial quantity, was recovered from their possession and their names have transpired on the basis of the co-accused statements. Co-accused persons, similarly situated with the petitioners, have already been granted anticipatory bail. Upon completion of investigation, charge sheet has also been submitted and as

such custodial interrogation of the petitioners is not necessary.

The learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that there had been no recovery of contraband substance, above commercial quantity, from the possession of the petitioners and their names have transpired on the basis of the co-accused statements. In view thereof, the rigours of section 37 of the N.D.P.S. Act are not attracted. Furthermore, co-accused persons, similarly situated with the petitioners, have already been granted anticipatory bail. In view thereof, custodial interrogation of the petitioners is not warranted, more so when, upon completion of investigation, charge sheet has been submitted.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Gulam Murtuja, Masud Rana, Mamul Islam @ Mamul Miya and Sabedul Islam @ Sabidul Miya**, shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and with further directions that the petitioners shall attend the learned court below on all the dates, as specified for hearing and shall

not intimidate the witnesses or tamper with evidence in any manner whatsoever.

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

With the aforesaid observations, the application for anticipatory bail, being CRM No. 6122 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)