

23.12.2021  
Item no. 536  
Court No.32  
Avijit Mitra

**C.R.M. 6309 of 2021**

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

And

**In Re : Rejaul Sk. @ Raja**

.... petitioner

Mr. Biswajit Hazra

....for the petitioner

Mr. Saryati Datta

..... for the State

Apprehending arrest in connection with Labpur Police Station Case No.113 of 2020 dated 31.08.2020 under Sections 21C and 29 of the Narcotic Drugs and Psychotropic Substances Act, the present application has been preferred.

Mr. Hazra, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. Previously, the petitioner was arraigned in C-Case No.27 of 2020 in which he was enlarged on bail and pursuant to the condition imposed he met with the Officer-in-Charge, Labpur Police Station even after the present complaint was lodged. From such sequence it is explicit that the petitioner has been falsely implicated. There had been no recovery of contraband substance above commercial quantity from the possession of the petitioner. In such circumstances, the petitioner may be enlarged on bail on any condition.

Mr. Datta, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents including the seizure list.

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

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's statement. In view thereof, the rigors of Section 37 of the N.D.P.S. Act are not attracted and custodial interrogation is not warranted, more so when, chargesheet has been submitted.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Rejaul Sk. @ Raja**, 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 with a further condition that the petitioner shall meet with the investigating officer of this case once a week on and from 29<sup>th</sup> December, 2021 till investigation is over.

The petitioner shall attend the learned Trial Court on all the dates as specified 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 petitioners' bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 6309 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.)**