

08.10.2021
Item no.11
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 6317 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 22.09.2021 in connection with Bhagwangola Police Station Case No. 23 of 2021 dated 12.01.2021 under Sections 188/353 of the Indian Penal Code and Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : Sarikul Sk @ Sariful Sk.

.....Petitioner.

Mr. Tapodip Gupta, Advocate,
.....for the Petitioner.

Mr. Ranabir Ray Chowdhury, Advocate,
Mr. Mainak Gupta, Advocate,
.....for the State.

The petitioner seeks anticipatory bail in this case instituted under Sections 21(c)/29 of the N.D.P.S. Act 1985. We see from the seizure list that no contraband item was recovered from the possession of the petitioner. His name has transpired from the statements made by co-accused persons.

In that view of the matter, the restrictions in Section 37 of the N.D.P.S. Act would not be attracted.

We have seen the statements of witnesses in the case diary. Prima facie, there is no direct implication of the petitioner in the alleged offence. Investigation is in progress.

On an overall assessment of the material on record and the possible extent of complicity of the petitioner in the alleged offence, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he co-operates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner namely **Sarikul Sk @ Sariful 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 until further orders and on further condition that the petitioner shall report to the Investigating Officer once in a fortnight until completion of investigation.

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 CRM 6317 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)