

16.12.2021
tkm/ct 28
sl no. 76

C.R.M. 6375 of 2021

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Lalgola P.S case no.314 of 2021 dated 10.5.2021 under sections 20(b)(ii)(B)/ 29 of the NDPS Act and

Allowed

In Re : Samirul Sk @ Islam @ Samirul Islam petitioner

Mr. T Gupta

..... for the petitioner

Mr. Saryati Datta

..... for the State

Having considered the materials on record and bearing in mind the nature of allegations and the extent of complicity of the petitioner in the alleged crime and as no narcotic substance was recovered from his possession and the complicity of the petitioner having transpired from the statement of co-accused before police officer which is inadmissible in evidence, we are of the opinion that petitioner has been able to rebut the statutory restrictions under section 37 of the NDPS Act and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

Petitioner shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM 6375 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)