

10.12.2021
Item no.224
Court No.32
Avijit Mitra

C.R.M. 6415 of 2021

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

And

In Re : Tohirul Islam @ Tahirul Sk.

.... petitioner

Ms. Minoti Gomes,

Mr. Jisan Iqbal Hossain

....for the petitioner

Mr. Abhra Mukherjee,

Ms. Manisha Sharma

..... for the State

Apprehending arrest in connection with Lalgola Police Station Case No.656 of 2021 dated 27.08.2021 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, the present application has been preferred.

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. As such, the rigors of Section 37 of the N.D.P.S. Act are not attracted and, accordingly, the petitioner's prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Tohirul Islam @ Tahirul Sk.**, 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 cooperate with the investigation and meet with the investigating officer once a week on and from 14th December, 2021 till investigation is complete.

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 petitioner's anticipatory bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.6415 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.)