

09.12.2021

Court No.32
rpan / 506

CRM 7386 of 2021

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

And

In Re : **Rasikul Islam**

- Petitioner

Ms. Minoti Gomes,

Mr. Jisan Iqubal Hossain

... for the Petitioner.

Mr. Avishek Sinha

... for the State.

Apprehending arrest in connection with Raninagar P.S. Case No.451 of 2021 dated 09.10.2021 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, the petitioner has filed the present application.

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 transpired on the basis of the statement of co-accused persons. In view thereof, we are of the opinion that the rigours of Section 37 of the N.D.P.S. Act are not attracted and as such, custodial interrogation 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, **Rasikul Islam** 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is further directed that the petitioner shall attend the learned court below on the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM No. 7386 of 2021 is, thus, 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.)