

CRM 7414 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Ainul Haque @ Ainal @ Suja**
..... petitioner

Ms. Minoti Gomes

.....For the petitioner

Ms. Anasuya Sinha
Mr. Pinak Kumar Mitra

.....For the State

Apprehending arrest in connection with Raninagar Police Station Case No. 438/ 2021 dated 02.10.2021 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, the present application has been preferred.

Heard learned advocates 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 the petitioner's name has transpired on the basis of the co-accused statement.

In view thereof, the rigors of Section 37 of the NDPS Act are not attracted. Accordingly, the petitioner's prayer for anticipatory bail is allowed.

We direct that in the event of arrest the petitioner, namely, **Ainul Haque @ Ainal @ Suja** 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, 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 further condition that the petitioner shall meet the Investigating Officer once a week from 27th December, 2021 till the investigation is over and with further condition that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend learned Court below on all the dates, as specified for hearing.

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 7414 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.)