

22.12.2021
Item no. 213
Court No.32
Avijit Mitra

C.R.M. 7422 of 2021

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

And

In Re : Hakim Sk. @ Hakim Sekh

.... petitioner

Ms. Minoti Gomes

....for the petitioner

Mr. Sudip Ghosh,

Mr. Bitasok Banerjee

..... for the State

Apprehending arrest in connection with Islampur Police Station Case No.313 of 2021 dated 10.10.2021 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 co-accused's statement. In view there of, we are of the opinion that the rigors of section 37 of the N.D.P.S. Act are not attracted and as such, custodial interrogation is not warranted more so when, the petitioner does not have any criminal antecedent.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Hakim Sk. @ Hakim Sekh**, 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.

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 bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 7422 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.)