

04.02.2021
Court No.28
Item No. 101
Krishnendu
ALLOWED

**C.R.M. 10426 of 2020
(Via video Conference)**

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

And

In re: **Haider Shaikh @ Haider Ali**

.....Petitioner

Mr. Mrityunjoy Chatterjee

Md. Golam Nure Imrohi

....For the Petitioner

Mr. Rudradipta Nandy

.....For the State

Apprehending arrest in connection with Sagarpara Police Station Case No. 136 of 2020 dated 11.11.2020 under sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substance Act, the petitioner has filed the present application.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated on the basis of a statement of a co-accused. He further submits that the petitioner would abide by any condition imposed by this Court in case his prayer is allowed.

The learned advocate appearing for the State draws the attention of this Court to the relevant pages of the case diary which reflect that the petitioner has been implicated on the basis of a statement of a co-accused, which is inadmissible in evidence.

We find that 420 bottles of phensedyl were recovered from an accused and subsequently on the statement of the said accused, the petitioner has been implicated in the case.

Having regard to the fact that the petitioner has, *prima facie*, been able to overcome the rigors of section 37 of the N.D.P.S. Act, we are of the opinion that the petitioner is entitled to be released on anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner, **Haider Shaikh @ Haider Ali**, 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 and on further condition that the petitioner shall meet with the Investigating Officer of this case once a week on and from 10th February, 2021 until further orders.

The application for anticipatory bail, being CRM No. 10426 of 2020, is, thus, disposed of.

**(Tirthankar Ghosh, J.)
Chakraborty, J.)**

(Tapabrata