

06.07.2021
Court No.30
Item No. 09
Krishnendu
ALLOWED

C.R.M. 10474 of 2020

(Via video Conference)

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

And

In re: **Raju Sk. @ Rabijul Islam**

.....Petitioner

Ms. Sinthia Bala

Mr. Diptendu Banerjee

....For the Petitioner

Mr. Sanjay Bardhan

Mr. Palash Chandra Majhi

.....For the State

Apprehending arrest in connection with Daulatabad Police Station Case No. 210 of 2020 dated 05.10.2020 under sections 20(b)(ii)C/29 of the N.D.P.S. Act, the present application has been preferred.

Heard Ms. Bala, learned advocate appearing for the petitioner and Mr. Bardhan, learned advocate appearing for the State and considered the materials in the case diary.

It appears that no contraband substance was recovered from the possession of the petitioner and his name has transpired on the basis of the statement of a co-accused person before a police officer, which is inadmissible in evidence. In view thereof, we are of the opinion that rigors of section 37 of the N.D.P.S. Act are not attracted and as such custodial interrogation of the petitioner 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, **Raju Sk. @ Rabijul 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 Trial Court on all the dates, as specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Trial Court 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. 10474 of 2020, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Suvra Ghosh, J.)

(Tapabrata Chakraborty, J.)

