

08.07.2021
Court No.30
Item No. 04
Krishnendu
ALLOWED

**C.R.M. 10510 of 2020
(Via video Conference)**

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

And

In re: **Minu Sk. @ Md. Awal Sk.**

.....Petitioner

Mr. Jisan Iqubal Hossain

....For the Petitioner

Mr. Sanjay Bardhan

Ms. Manisha Sharma

.....For the State

Apprehending arrest in connection with Sagardighi Police Station Case No. 554 of 2019 dated 06.11.2019 under sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, the present application has been preferred.

Records reveal that initially an interim order was passed on 21st December, 2020 and the same was reimposed and extended by an order dated 26th March, 2021.

Heard Mr. Hossain, 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 there had been no recovery of contraband substance 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, the provisions of section 37 of the N.D.P.S. Act are not attracted.

A report has been submitted today by the Sub Inspector of Police, Sagardighi Police Station, stating, *inter alia*, that the petitioner has no criminal antecedents. Let the report, as produced, be kept on record.

In the said conspectus, we are of the opinion that 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, **Minu Sk. @ Md. Awal Sk.**, 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. 10510 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.)