

21.05.2021
(Circuit Bench
at Jalpaiguri)
SL No.3
Court No.28
(gc)

CRM 588 of 2021
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Siliguri Police Station Case No.376 of 2019 dated 25th June, 2019 under Section 17(b) of the N.D.P.S. Act.

And

In the matter of : **Md. Samse Alam @ Samser Ali @ Samsher Ali**
- Petitioner

Mr. Shibaji Kumar Das,
... For the Petitioner.

Mr. Sourav Ganguly,
... For the State.

Upon consideration of the materials on record it appears that no narcotic substance was recovered from the possession of the petitioner and his name transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Under such circumstances, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. Hence, we are inclined in granting anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Md. Samse Alam @ Samser Ali @ Samsher 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.

The application for anticipatory bail, being CRM No.588 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.

(Suvra Ghosh, J.)

(Soumen Sen, J.)