

25 06.01.2022
(AD
& Court No.29
Sub (Allowed)
rata)

**C.R.M. (A)11 of 2022
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Lalgola** P.S. Case No. **643 of 2021** dated **23/08/2021** under Sections **21(c)/29** of the NDPS Act, 1985.

And

In the matter of: Samim Sk.

....petitioner.

Mr. Tapodip Gupta

...for the petitioner.

Ms. Faria Hossain

Mr. Aniket Mitra

...for the State.

It is submitted on behalf of the petitioner that no narcotic was recovered from the possession of the petitioner.

Learned Advocate for the State opposes the prayer for bail and submits that the petitioner was dealing in narcotics above commercial quantity.

We have considered the materials on record. Keeping in mind the extent of complicity of the petitioner and as his complicity has transpired from the statement of co-accused before police officer which is inadmissible in evidence, we are of the opinion that the petitioner is able to rebut the restrictions under Sections 37 of the NDPS Act, 1959 and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal

Procedure, 1973.

The petitioner shall appear before the Court below and pray for regular bail within four weeks from date.

The application for anticipatory bail being C.R.M. (A) 11 of 2022 is, thus, disposed of.

(Bibhas Ranjan De, J.)

(Joymalya Bagchi, J.)