

28.01.2022
Ct. No. 32
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sdas

C. R. M. NO. (NDPS) 33 of 2022
[via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure :

And

In Re: *Jalal Sekh*

... .. Petitioner

Ms. Sinthia Bala
Mr. Diptendu Banerjee

... .. for the petitioner

Mr. Tapandeb Nandy
Mr. Antarikhya Basu

... .. for the State

Apprehending arrest in connection with Nadanghat Police Station Case No. 244 of 2021 dated 30.07.2021 under Section 20(b)(ii)C of the Narcotic Drugs and Psychotropic Substance Act, this application has been preferred.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that no contraband substance, above commercial quantity, was recovered from the possession of the petitioner and that his name has transpired on the basis of the statements of the co-accused persons. Statutory restrictions are not attracted against the petitioner. One co-accused person namely, Nurul Sk., who appears to be similarly situated with the petitioner has also been granted anticipatory bail by this Court. In view thereof, we are of the opinion that custodial interrogation of the petitioner is not warranted moreso

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, *Jalal Sekh*, 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 a local, to the satisfaction of the Arresting Officer and also 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 court below on all the dates as specified for hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned court below would be at liberty to cancel his bail, in accordance with law, without any further reference to this court.

The application for anticipatory bail, being CRM No. (NDPS) 33 of 2022 is, thus, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)