

CRM(A) No.106 of 2022

Via video conference

01.02.22

(S.R.)

Sl.24

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Jalangi** Police Station Case No.168 of 2021 dated 22/06/2021 under Sections 21(c)/29 of the NDPS Act;

And

In re: Aminul Sk @ Aminul Islam

... petitioner.

Mr. Tapodip Gupta

... for the petitioner.

Mr. Narayan Prasad Agarwal

Mr. Sarjati Dutta

...for the State.

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 co-accused statements. In view thereof, the statutory restrictions are not attracted. Furthermore, one Rasikul Sk. @ Rasikul Islam, similarly situated with the petitioner, had also been granted anticipatory bail by a Coordinate Bench of this Court. In the said conspectus, we are of the opinion that custodial interrogation of the petitioner is not necessary.

Accordingly, we direct that in the event of arrest the petitioner will 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 with a further condition that the petitioner shall meet with the investigating officer once in a week till investigation is complete.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

The application for anticipatory bail being CRM(A) No.106 of 2022 is, accordingly, 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.)