

CRM(A) No.174 of 2022

Via video conference

17.02.22

(S.R.)

Sl.03

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Sagarpara** Police Station Case No.225 of 2021 dated 23/12/2021 under Sections 21(c)/29 of the NDPS Act;

And

In re: Farooq Malitha @ Faruk Malitha & Ors.

... petitioners.

Mr. Arnab Chatterjee

... for the petitioners.

Mr. Swapan Banerjee

Mr. Suman De

... for the State.

Pursuant to the earlier order of this Court, Mr. Banerjee, learned advocate appearing for the State has filed a report. Let the same be kept on record.

It appears from the said report that the petitioners do not have any criminal antecedent. It further appears that no contraband substance above commercial quantity was recovered from the possession of the petitioners and that their names have transpired on the basis of co-accused statements. *Prima facie*, the statutory restrictions are not attracted. In view thereof, the petitioners' prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Farooq Malitha @ Faruk Malitha, 2. Sohail Malitha @ Sohail Malitha** and **3. Nekbar Mandal @ Nekbar Sk** will be released on bail upon furnishing a bond of Rs.10,000/- each 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 petitioners shall not leave the jurisdiction of Jalangi Police Station where they are presently residing save and except for

meeting with the investigating officer of the case at Sagarpara Police Station once in a week till investigation is complete.

It is further directed that the petitioners shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and shall attend the learned trial court on all the dates as specified for hearings.

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

The application for anticipatory bail being CRM(A) No.174 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.)