

15.03.2022

Court No.32
rpan / **05**

CRM (A) 271 of 2022

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

And

In Re.: **Md. Murad Hossain Kazi @ Morabbin Kazi**

- Petitioner

Mr. Souvik Mitter,

Ms. Ankita Das Chakraborty,

Mr. Sagnik Mukherjee

... for the Petitioner.

Ms. Rajashree Venket Kundalia

... for the Customs / UOI.

Apprehending arrest in connection with NDPS Seizure Case no. S/C No:13/NDPS/CL/Phensedyl/BCPU/CCP/WB/2021-22 dated 27.11.2021 under Section 21(c) in violation of Section 8 of the Narcotic Drugs and Psychotropic Substances Act, 1985, the petitioner has filed the present application.

Mr. Mitter, learned advocate appearing for the petitioner submits that there was no recovery of contraband substance from the possession of the petitioner. He has also complied with Section 67 notice and met with the Investigating Officer.

Ms. Kundalia, learned advocate, enters appearance on behalf of the Union of India/Customs. She submits that initially the petitioner did not comply with Section 67 notice. However, he met with the Investigating Officer after directions were passed to that effect by this Court.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, it appears that there was no recovery of contraband substance from the possession of the petitioner and as such the statutory restrictions are not attracted. He has also complied with Section 67 notice, as issued subsequently. In view thereof, we are of the opinion that his custodial interrogation is not necessary. As such, his prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Md. Murad Hossain Kazi @ Morabbin Kazi** 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 with a further condition that he shall cooperate with the investigation and meet with the Investigating Officer as and when directed till the conclusion of investigation.

It is further directed that the petitioner shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

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

The application for anticipatory bail, being CRM (A) 271 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.)