

22.02.2022

Item no. 23

Court No.32

Avijit Mitra

C.R.M. (A) No. 300 of 2022

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

And

In Re : Ziyaur Rahaman @ MD Ziya

.... petitioner

Ms. Jeenia Rudra

....for the petitioner

Mr. Binay Kumar Panda,

Mr. Shubham Bhakat

..... for the State

Apprehending arrest in connection with Gangarampur Police Station Case No.104 of 2021 dated 07.04.2021 under Sections 20(b)(ii)(c)/21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, the present application has been preferred.

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 statement of a co-accused before a Police Officer, which is inadmissible evidence and as such, the statutory restrictions are

not attracted. In view thereof, we are of the opinion that custodial interrogation of the petitioner is not necessary more so when, upon completion of investigation chargesheet has been submitted.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Ziyaur Rahaman @ MD Ziya**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) with two sureties of like amount each, 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.

The petitioner shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioner shall not intimidate the witnesses and/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 the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.(A) 300 of 2022 is 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.)

