

CRM (A) 421 of 2022
(via video conference)

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

In the matter of : **Samsuddin Fakir & Anr.**

..... petitioners

Ms. Busra Khatoon

.....**For the petitioners**

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

.....**For the State**

Apprehending arrest in connection with Hili Police Station Case No. 220 of 2021 dated 26.09.2021 under Sections 20(b)(ii)(c)/21(c)/22(c)/23(c)/27A 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 perused the materials in the case diary.

It appears that there had been no recovery of contraband substance from the possession of the petitioners and that their names have transpired on the basis of co-accused statement before the police officer, which is inadmissible in nature and as such, statutory restrictions are not attracted. In view thereof, custodial interrogation of the petitioners is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Samsuddin**

Fakir and **Kajal Khan** shall 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 further direction that the petitioners shall meet with the investigating officer once a week till investigation is complete.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses. They shall also attend learned Court below on all the dates, as specified for hearing.

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

The application for anticipatory bail, being CRM (A) 421 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.)