

01.03.2022

Court No.32
rpan / **48**

CRM (A) 449 of 2022

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

And

In Re.: **Habibur Rahaman @ Hobibur Miah @ Hobu**
- Petitioner

Ms. Bursa Khatun

... for the Petitioner.

Mr. Tapandeb Nandy,

Mr. Bitasok Banerjee,

Mr. Antarikhya Basu

... for the State.

Apprehending arrest in connection with Gangarampur Police Station Case no.29 of 2022 dated 06.01.2022 under Sections 22(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 read with Section 27A of the Drugs and Cosmetics Act, 1945, the petitioner has filed the present application.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

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 the co-accused statement before the police officer which is inadmissible in evidence. In view thereof, statutory restrictions are not attracted and we are of the opinion that custodial interrogation of the petitioner is not necessary. As such, his prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Habibur Rahaman @ Hobibur Miah @ Hobu**

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 meet with the investigating officer of the case once a week till investigation is complete.

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) 449 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.)