

85 28.04.2022
(AD) Court No.29
(Allowed)

C.R.M. (A) 544 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Islampur** P.S. Case No.**16 of 2022** dated **08/01/2022** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, corresponding to NDPS Case No.16/2022.

And

In the matter of: Hanif Sk.

....petitioner.

Ms. Minoti Gomes

...for the petitioner.

Mr. Sanjoy Bardhan
Ms. Baishakhi Chatterjee

...for the State.

Petitioner seeks anticipatory bail.

Report as called for by the order dated March 29, 2022
filed in Court be taken on record.

Considering the fact that the police are unable to establish any nexus between the petitioner and the co-accused who was arrested with commercial quantity of narcotics, at this stage, and considering the fact that no narcotics was seized from the possession of the petitioner and considering the fact that the petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985 and consequently, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner 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

also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner will report before the Investigating Officer once a week till the conclusion of the investigation and on condition that the petitioner shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default, the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 544 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)