

17.03.2022
Item no. 04
Court No.32
Avijit Mitra

C.R.M. (A) 649 of 2022

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

And

In Re : Samim Hassan @ Samim Sekh

.... petitioner

Mr. Anjan Bhattacharya,
Ms. Anita Shaw

....for the petitioner

Mr. Sanjoy Bardhan,
Ms. Baishakhi Chatterjee

..... for the State

Apprehending arrest in connection with Itahar Police Station Case No.469 of 2021 dated 30.07.2021 under Section 22(b)/(c) of the Narcotics Drugs and Psychotropic Substances Act, the present application has been preferred.

Heard Mr. Bhattacharya, learned advocate appearing for the petitioner.

Answering our query, Mr. Bardhan, learned advocate appearing for the State submits that the petitioner has no criminal antecedent and that no motorcycle was intercepted on the date of alleged incident.

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 co-accused statement before a police officer, which is inadmissible in evidence. 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, **Samim Hassan @ Samim Sekh**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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.

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) 649 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.)

