

CRM(A) No.693 of 2022

Via video conference

08.03.22

(S.R.)

Sl.95

Ct.32

Allowed

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Bhagwangola** Police Station Case No.23 of 2021 dated 12/01/2021 under Sections 21(c)/29 of the NDPS Act;

And

In re: Humayun Sk. @ Humayan Sk. and Anr.

... petitioners.

Ms. Minoti Gomes

... for the petitioners.

Mr. Saibal Bapuli, APP

Mr. Arani Bhattacharyya

...for the State.

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 petitioners and that their names have transpired on the basis of the statements of co-accused, which is inadmissible in evidence. As such, the statutory restrictions are not attracted. Upon completion of investigation charge sheet has also been submitted and a co-accused, namely, Saddam Sk @ Sinarul Islam, who is similarly situated with the petitioners, has already been granted anticipatory bail by a Coordinate Bench of this Court. In view thereof, we are of the opinion that custodial interrogation of the petitioners is not necessary.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Humayun Sk. @ Humayan Sk. and 2. Kalu Sk. @ Jahangir Sk.** will 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 a further condition that the petitioners

shall attend the Learned Court below on all the dates, as specified for hearing.

It is further directed that the petitioners shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned Trial Court would be at liberty to cancel their bail without any further reference to this Court.

The application for anticipatory bail being CRM(A) No.693 of 2022 is, accordingly, 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.)