

17.03.2022
Item no. 145
Court No.32
Avijit Mitra

C.R.M. (A) 700 of 2022

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

And

In Re : Rashid Alam @ Rashidul

.... petitioner

Mr. Koushik Chowdhury,
Ms. Busra Khatoon

....for the petitioner

Mr. Antarikhya Basu,
Mr. Bibaswan Bhattacharya

..... for the State

Apprehending arrest in connection with Chopra Police Station Case No.224 of 2021 dated 28.03.2021 under Sections 21(c) and 23(c) of the Narcotics Drugs and Psychotropic Substances Act, the present application has been preferred.

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 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, 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, **Rashid Alam @ Rashidul** 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) 700 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.)