

126 29.03.2022
(AD)
Court No.29
(Allowed)

C.R.M. (A) 702 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **English Bazar** P.S. Case No.1057 of 2021 dated 26/08/2021 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Corresponding to Special Case No.75 of 2021).

And

In the matter of: Faruk Sekh

....petitioner.

Mr. Mazahar Hossain Chowdhury
Ms. Mobashshara Alam

...for the petitioner.

Mr. Swapan Banerjee
Mr. Suman De

...for the State.

Petitioner seeks anticipatory bail.

Considering the fact that no narcotics was recovered from the possession of the petitioner and considering the fact that the police are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody and considering the fact that the police are yet to establish any nexus between the petitioner and the person arrested with the commercial quantity of narcotics, at this stage, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985 and considering the fact that the police submitted charge sheet, 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 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) 702 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)