

22.03.2022

Sl. 76
Court No.29
Sc/SD
(Allowed)

C.R.M. (A) 787 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **14.02.2022** in connection with **Bhagwangola** P. S. Case No. **416** of **2021** dated **04.09.2021** under Sections **21(C)/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: Tohidul Islam @ Palash

....petitioner.

Mr. Soumyajit Das Mahapatra

Mr. Ali Ahsan

Ms. Rabia Khatoon

...for the petitioner.

Mr. Ranabir Ray Chowdhury

Mr. Mainak Gupta

...for the State.

Petitioner seeks anticipatory bail.

Considering the fact that no narcotic 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 while in custody and considering the fact that the police filed charge sheet, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985. 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 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.

Consequently, we grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 787 of 2022 is, thus disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)