

28.03.2022

Sl. 7
Court No.29
sourav
(Allowed)

C.R.M. (A) 1136 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **03.03.2022** in connection with **Suti** P. S. Case No. **49** of **2022** dated **26.01.2022** under Sections **22(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: **Alim Sk**

....petitioner.

Mr. Arnab Chatterjee,
Mr. Anisur Rahman,

...for the petitioner.

Mr. N. P. Agarwala,
Mr. Saryati Datta,

...for the State.

Report as called for by the order dated March 9, 2022
filed in Court be taken on record.

Learned advocate appearing for the State submits that the police are yet to come across any call details recording between the accused arrested with commercial quantity of narcotics and the present petitioner. However, he refers to a statement recorded under Section 161 of the Criminal Procedure Code of a local person who claims that he saw the petitioner entering into the house of the accused on a number of occasions.

It appears from the report that the police are yet to disclose any criminal antecedent so far as the present petitioner is concerned. Moreover, the statement recorded under Section 161 of the Criminal Procedure Code of the independent person does not state that he saw the petitioner with any narcotic substance in his possession.

Considering the fact that the police are yet to disclose any nexus between the petitioner and the person arrested with commercial quantity of narcotics, 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 will report before the Investigating Officer once in a fortnight till the conclusion of the investigation 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.

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

C.R.M. (A) 1136 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

