

26.04.2022
Serial no.3
Aloke

CRM (A) 1429 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 1330 of 2021 dated 28.11.2021 under Sections 21(c)/29 of the NDPS Act read with Section 27A of the Drugs and Cosmetics Act, 1940

In the matter of : **Safikul Islam**

... .. Petitioner

Mr. M. Chatterjee, Advocate

... .. For the Petitioner

Mr. Tapandeb Nandy, Advocate

Mr. Antarikhya Basu, Advocate

... ...For the State

Petitioner prays for anticipatory bail.

Report as called for by the order dated March 29, 2022 be taken on record.

The report does not speak of any nexus between the petitioner and the person arrested with the commercial quantity of narcotics.

Considering the fact that no narcotic was recovered from the possession of the petitioner and the petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, we are inclined to 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 be 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 week 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.

The prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 1429 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)