

06.04.2022

13

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1573 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Lalgola** Police Station Case No. **753** of **2021** dated **22.10.2021** under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Asadul Sk.

..... petitioner

Mr. Jishan Iqubal Hossain

....for the petitioner

Mr. Sanjoy Bardhan

Ms. Baisakhi Chatterjee

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, no narcotic was recovered from the possession of the petitioner. The police filed charge-sheet. The police are seeking to proceed against the petitioner on the basis of the statement of the accused made while in custody.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

Considering the fact that no narcotic was seized from the possession of the petitioner and considering the fact that the police are seeking to proceed against the petitioner on the basis of the statement of the accused made 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/-, 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 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

