

12.04.2022

Sl. 34
Court No.29
suvayan
(Allowed)

CRM (A) 1689 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak** P.S. Case No. **837 of 2021** dated **12/08/2021** under Sections **21(C)/29** of the NDPS Act.

And

In the matter of: Abdullah Sk

....petitioner.

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmick

...for the petitioner.

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

...for the State.

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that no contraband was recovered from the possession of the petitioner. The petition is sought to be proceeded against on the basis of the statement of the co-accused made while in custody. The police filed charge-sheet and, therefore, custodial interrogation of the petitioner is not required.

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 recovered from the possession of the petitioner and considering the fact that 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 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, 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.

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

CRM (A) 1689 of 2022 is, thus disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)