

16.06.2022

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Allowed

C.R.M. (A) 2462 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. 1025 of 2021 dated 23.09.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Md. Jiaul Hoque @ Jiaul

..... petitioner

Mr. Mrityunjoy Chatterjee

Mr. S. Bhattacharya

Mr. Debopriya Majumder

.....for the petitioner

Mr. Swapan Banerjee

Mr. Anindya Sundar Chatterjee

....for the State

It is submitted by the learned Counsel appearing for the petitioner that no narcotic substance was recovered from him.

Learned Counsel appearing for the State opposes prayer for anticipatory bail.

Having considered the materials on record and keeping in mind the extent of complicity of the petitioner in the alleged crime in the light of the submission that no narcotic substance was recovered from the possession of the petitioner and his complicity transpired from the statement of co-accused before police officer is inadmissible in evidence, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and he may be granted anticipatory bail.

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 shall appear before the court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)