

09.06.2022
tkm/ct 28
sl no. 100

C.R.M. (A) 2468 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. 389 of 2022 dated 15.4.2022 under sections 21(c)/27A/29 of the NDPS Act
And

Allowed

In Re : Samsuddin Mia @ Gamsa petitioner

Mr. M Chatterjee
Mr. D Majumder

..... for the petitioner

Mr. Binay Panda
Ms. Puspita Saha

..... for the State

Having considered the materials on record and bearing in mind the nature of allegations and the extent of complicity of the petitioner in the alleged crime and as no narcotic substance was recovered from his possession and as the complicity of the petitioner has transpired from the statement of a co-accused before police officer which is inadmissible in evidence, we are of the opinion that 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/- 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 further condition that the petitioner while on bail shall meet the investigating officer once in a week until further orders.

Petitioner shall appear before the court below and prays for regular bail within four weeks from date.

The application being CRM (A) 2468 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)