

10.06.2022

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Allowed

C.R.M.(A) 2544 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Palashipara Police Station Case No. 330 of 2021 dated 27.08.2021 under Sections 21(C)/29 of the N.D.P.S. Act
And

In Re : Rakibul Sk. @ Sahiful @ Rakibul Mondal petitioner

Mr. Sumanta Das
.....for the petitioner

Mr. T.B. Nandy
Mr. Antarikhya Basu
....for the State

It is submitted by the learned Counsel appearing for the petitioner that no contraband article was recovered from the petitioner. He has been falsely implicated in the instant case.

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

We have considered the materials on record. It appears that no contraband substance was recovered from the possession of the petitioner. His name has transpired from statements of the co-accuseds before police officer which are inadmissible in evidence. In view thereof, we are of the opinion that the rigours of Section 37 of the NDPS Act are not attracted in the facts of this case.

Hence, 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/-, 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 he shall appear before the court below and pray for regular bail within a period of four weeks from date with a further condition that he shall meet with the investigating officer of the case once in a week till investigation is complete.

This application for anticipatory bail is, thus, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)