

24.02.2022

Court No.32
rpan / **218**

CRM 4669 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : **Anarul Shekh**

- Petitioner

Mr. Sabir Ahmed,

Mr. Ali Ahsan Alamgir,

Ms. Rabia Khatoon

... for the Petitioner.

Mr. Y. J. Dastoor, Ld. ASG,

... for the NCB.

Apprehending arrest in connection with NCB Crime No.08/NCB/KOL/2021 dated 23.02.2021 under Section 8(c) read with Sections 22/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, the petitioner has filed the present application.

Records reveal that by an order dated 16th December, 2021 the petitioner was directed to meet with the Investigating Officer.

Mr. Ahmed, learned advocate appearing for the petitioner submits that the petitioner has complied with the directions as contained in the order dated 16th December, 2021.

Mr. Dastoor, learned Additional Solicitor General enters appearance on behalf of the NCB.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

It appears that no contraband substance above commercial quantity was recovered from the possession of the petitioner and that his name has transpired on the basis of the co-accused

statement before the police officer which is inadmissible in evidence. In view thereof, the rigours of Section 37 of the NDPS Act are not attracted. The petitioner has also complied with the earlier directions of this court. As such, we are of the opinion that custodial interrogation is not necessary, more so when, upon completion of investigation, charge sheet has already been filed. The petitioner's prayer for anticipatory bail is allowed,

Accordingly, we direct that in the event of arrest the petitioner, namely, **Anarul Shekh** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, 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.

It is further directed that the petitioner shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 4669 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)

