

14.06.2022
Sl. No.104
akd
[ALLOWED]

C. R. M. (A) 2660 of 2022

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 07.06.2022 in connection with Raghunathganj Police Station Case No. 669 of 2021 dated 21.10.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.222 of 2021)

And

In Re: **Anamul Hoque**

... .. Petitioner

Mr. Jisan Iqubal Hossain

... .. for the petitioner

Mr. Sanjay Bardhan

Ms. Debjani Das Gupta

... .. for the State

It is submitted on behalf of the petitioner that no narcotic substance was recovered from his possession and he has been falsely implicated in the instant case. It is further submitted that co-accused has been granted pre-arrest bail by this court .

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

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner and his complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Co-accused has been granted pre-arrest bail by this court. Under such circumstances, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely **Anamul Hoque**, 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 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 shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)