

C.R.M. (A) 2838 of 2022

12.07.2022
Sl. 4
Court No.29
(AD)
(Allowed)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Suti** Police Station Case No. **305** of **2022** dated **28.05.2022** under Sections **20(b)(ii)(c)/29** of Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: **Amin Akhter @ Amim Aktar @ Boltu**
....petitioner.

Mr. Arnab Chatterjee
Mr. Anisur Rahaman

...for the petitioner.

Mr. Antarikhya Basu

...for the State.

Petitioner prays for anticipatory bail.

Report as called for by the order dated June 22, 2022 filed in Court be taken on record.

The report does not speak about any nexus between the petitioner and the person arrested with the commercial quantity of narcotics or with the seized quantity of narcotics.

No narcotics was recovered from the possession of the petitioner. The petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody. The police at this stage are unable to establish any nexus between the petitioner and the person arrested with the commercial quantity of narcotics or with the seized quantity of narcotics. Consequently, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985. We, therefore, 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/- (Rupees Ten Thousand Only), with two sureties of like amount each, 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 and on condition that the petitioner will report before the Investigating Officer once a fortnight till the conclusion of the investigation and on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 2838 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)