

38 20.06.2022
(AD) Court No.29
(Allowed)

C.R.M. (A) 2889 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raiganj** P.S. Case No.**513** of **2021** dated **28/06/2021** under Sections **21(b)/22(b)/27/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: Sariful Md @ Soriful Mohammad
....petitioner.

Mr. M. Nazar Chowdhury
Ms. Priyanka Saha
Mr. M. Ahmed Salik
...for the petitioner.

Mr. S.S. Imam
Mr. R. Jana
...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that no recovery was made from the possession of the petitioner.

Learned Advocate appearing for the State submits that although the police filed charge sheet, the petitioner was absconding. He refers to the materials in the case diary.

Considering the fact that no recovery was made from the possession of the petitioner and considering the fact that the police at this stage are unable to establish any nexus between the petitioner and the person arrested with the commercial quantity of narcotics excepting for the statement of the co-accused made while in custody, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act. Consequently, we 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner shall appear every day 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.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 2889 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)