

29.06.2022
Serial no. 44
[Dd]
(Anticipatory bail)
Allowed

CRM (A) 3037 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Raninagar** Police Station Case No. **526** of **2021** dated **26.12.2021** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, corresponding to NDPS Case No. **10/2022**.

-And-

In the matter of : **Mithu Sk. @ Mithun Sekh**

... .. Petitioner

Ms. Minoti Gomes,
Mr. Jisan Iqubal Hossain, Advocates
... .. *For the Petitioner*

Mr. Navanil De, Advocate
... ..*For the State*

Learned advocate appearing for the petitioner submits that no recovery was made 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 filed charge sheet.

The police are unable to establish at this stage, any nexus between the petitioner and the person arrested with the commercial quantity of narcotic.

In such circumstances, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Consequently, 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/- (Rupees Ten Thousand Only), 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 further 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.

Prayer for anticipatory bail of the petitioner is **allowed.**

CRM (A) 3037 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)