

30.06.2022
Serial no.13
Aloke

CRM (A) 3069 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Samserganj Police Station Case No. 191 of 2021 dated 17.07.2021 under Sections 21(c)/29 of the NDPS Act.

-And-

In the matter of : **Md. Ajahar @ Sukku Sk**

... .. Petitioner

Mr. Anisur Rahman, Advocate

... .. For the Petitioner

Mr. Madhusudan Sur, Id. APP

Mr. Manoranjan Mahata, Advocate

... ...For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that no narcotic was recovered from the possession of the petitioner. The police filed charge-sheet and, therefore, custodial interrogation of the petitioner is not required.

Learned Advocate appearing for the State draws the attention to the materials in the case diary. He submits that the co-accused implicates the petitioner as the purchaser and the ultimate seller of the narcotics. The police filed charge-sheet.

Report filed on behalf of the State be taken on record.

At this stage, apart from the statement of the co-accused made while in custody as against the petitioner, the police are unable to establish any nexus between the petitioner and the commercial quantity of narcotics seized or the person arrested with the commercial quantity of narcotics.

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 condition that 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.

Prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 3069 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)