

74 29.06.2022
(AD)
Court No.29
(Allowed)

C.R.M. (A) 3070 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Lalgola** Police Station Case No. **830 of 2021** dated **24/12/2021** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Eliyash Sheikh @ Md Iliyash Ali
....petitioner.

Mr. Tapodip Gupta
...for the petitioner.

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

Petitioner prays for anticipatory bail.

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 a co-accused made while in custody. Consequently, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985. Other co-accuseds were enlarged on anticipatory bail by a Coordinate Bench on June 8, 2022 passed in CRM (A) 2388 of 2022. The Claim for parity by the petitioner is not being disputed on behalf of the State. Moreover, the police filed charge sheet.

In such circumstances, 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) 3070 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)