

11.08.2022
Serial no.6
Aloke

CRM (A) 3596 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 389 of 2022 dated 15.04.2022 under Sections 21(c)/27A/29 of the NDPS Act, 1985.

-And-

In the matter of : **Masiul @ Nasiul Hoque**

... ... Petitioner

Mr. Mazhar Hossain Chowdhury, Advocate
Mr. Mobashshara Alam, Advocate
... ... For the Petitioner

Mr. Binay Panda, Advocate
Mr. Subham Bhakat, Advocate
... ... For the State

Petitioner seeks anticipatory bail.

Report as called for by the order dated July 28, 2022 filed in Court be taken on record.

The report states that there is no call details record between the petitioner and the person arrested with the commercial quantity of narcotics as also the seized commercial quantity of narcotics.

At this stage the police are unable to establish any nexus between the petitioner and the person arrested with the commercial quantity of narcotics as also the seized commercial quantity of narcotics.

No recovery was made from the possession of the petitioner. Therefore, the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985.

In such circumstances, 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 the petitioner shall meet the Investigating Officer once in a week till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 3596 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)