

6 01.08.2022
(AD) Court No.29
(Allowed)

C.R.M. (A) 3613 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **English Bazar** Police Station Case No. **1556 of 2021** dated **10/11/2021** under Sections **21(c)/29/27A** of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Corresponding to NDPS Case No.120 of 2021).

And

In the matter of: Ibrahim Sk. @ Ebrahim Khalillulla
....petitioner.

Mr. Mazhar Hossain Chowdhury
...for the petitioner.

Mr. Saryati Datta
...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. The police filed charge sheet and, therefore, custodial interrogation of the petitioner is not required.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary.

At this stage, since the police are unable to establish any nexus between the petitioner and the commercial quantity of narcotics seized as also the persons arrested with the commercial quantity of narcotics and considering the fact that no recovery was made from the possession of the petitioner and considering the fact that the petitioner is sought to be proceeded against on the basis of 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,

1985. 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 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.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 3613 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)