

4 03.08.2022
(AD) Court No.29
(Allowed)

C.R.M. (A) 3641 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Islampur** Police Station Case No. **18 of 2022** dated **09/01/2022** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Hossain Sk @ Md Abdullahil Marup
....petitioner.

Ms. Minoti Gomes
Mr. Jissan Iqbal Hossain
...for the petitioner.

Mr. Navanil De
...for the State.

Petitioner prays for anticipatory bail.

No narcotic was recovered from the possession of the petitioner. The police are proceeding against the petitioner on the basis of the statement of the police personnel. The police filed charge sheet. At this stage, the police are unable to show any nexus between the petitioner and the commercial quantity of narcotics seized and/or the co-accused 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 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) 3641 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)