

CRM No.7347 of 2021

Via video conference

11.01.22

(S.R.)

Sl.05

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Kandi** Police Station Case No.555 of 2021 dated 20/10/2021 under Sections 22(c)/29 of the NDPS Act;

And

In re: Najrul Sk. @ Najrul Haque

... petitioner.

Ms. Minoti Gomes

... for the petitioner.

Mr. Ranadeb Sengupta

...for the State.

Heard Ms. Gomes, learned advocate appearing for the petitioner and Mr. Sengupta, learned advocate appearing for the State. Let the report, as produced, be kept on record.

It appears that no contraband substance above commercial quantity was recovered from the possession of the petitioner and that his name has transpired on the basis of the statements of co-accused persons. In view thereof, the rigours of Section 37 of the NDPS Act are not attracted. A co-accused person, namely, Sentu Biswas, similarly situated with the petitioner, had also been granted anticipatory bail by a Coordinate Bench of this Court. In the said conspectus, we are of the opinion that custodial interrogation is not warranted.

Accordingly, we direct that in the event of arrest the petitioner will be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that the petitioner shall meet with the investigating officer once in a week till investigation is complete.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and shall

attend the learned trial court on all the dates specified for hearing.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

The application for anticipatory bail being CRM No.7347 of 2021 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)