

13 03.08.2022
(AD) Court No.29
(Allowed)

C.R.M. (A) 3693 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. **198 of 2021** dated **19/02/2021** under Sections **22(C)/29** of the NDPS Act.

And

In the matter of: Sarif Sk

....petitioner.

Mr. Arup Kumar Bhowmick

...for the petitioner.

Mr. T.D. Nandy

Mr. Antarikhya Basu

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the police filed charge sheet. Therefore, custodial interrogation of the petitioner is not required.

No narcotic was recovered from the possession of the petitioner. The police filed charge sheet. The police at this stage are unable to show any nexus between the petitioner and the seized commercial quantity of narcotics and/or the arrested co-accused. Two other co-accuseds were enlarged on anticipatory bail. The petitioner stands on the same footing as that of the other co-accuseds.

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) 3693 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)