

16.08.2022
Serial no. 04
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 3718 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. **750** of **2022** dated **15.07.2022** under Sections **21(C)/29** of the NDPS Act.

-And-

In the matter of : **Tarikul Mia @ Mithun Sk**
... .. Petitioner

Mr. Arup Kumar Bhowmick, Advocate
... .. *For the Petitioner*

Mr. T. D. Nandy,
Mr. Antarikhya Basu, Advocates
... ..*For the State*

Report as called for by the order dated August 3, 2022 filed in Court be taken on record.

No narcotic was recovered from the possession of the petitioner. The petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody.

The report dated August 11, 2022 does not speak of any nexus between the petitioner and the commercial quantity of narcotics and/or the 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 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 further condition that the petitioner shall report before the Investigating Officer once in a fortnight 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) 3718 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)