

CRM 7761 of 2021
(via video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure ;

And

In Re : Akramul Miah @ Miya @ Hossain & Ors.

.....Petitioners

Ms. Bishra Khatoon

.....for the Petitioners

Mr. Prasun Kumar Datta, Ld. APP

Mr. Nirupam Dhali

.....for the State

Apprehending arrest in connection with Gangarampur Police Station Case No. 437 of 2021 dated 26.10.2021 under Sections 22(C)/29 of the Narcotic Drugs and Psychotropic Substances Act read with Section 27A of Drugs and Cosmetics Act, the present application has been preferred.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary. It appears that no contraband substance above commercial quantity was recovered from the possession of the present petitioners and their names have been transpired on the basis of co-accused statement.

In view thereof, we are of the opinion that rigors of Section 37 of the NDPS Act are not attracted and their custodial interrogation is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Akramul Miah @ Miya @ Hossain, Majurul Isla (Munna) @ Majrul Islam** and

Rafiqul Miya @ Rafikul Miyan shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Judge, Special Court under the NDPS Act, Dakshin Dinajpur and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with further condition that the petitioners shall meet with the Investigating Officer once a week till investigation is complete.

The petitioners shall not tamper with the evidence and/or intimidate the witnesses.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 7761 of 2021, is, thus, 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.)