

04.01.2022

Sl.No. 270

Ct.No. 32

Amalranjan

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE**

(Via Video Conference)

CRM No. 7815 of 2021

Re: An application for anticipatory bail under Section 438 of
the Code of Criminal Procedure, 1973.

Allowed

In the matter of : Washim Hossain @ Sk @ Md. Washim
Hossain

..... Petitioner

Mr. Krishnendu Bhattacharyya

...for the Petitioner

Mr. Ranadeb Sengupta

...for the State

Apprehending arrest in connection with Special Case
No. 74 of 2020 arising out of Kaliachak Police station Case
No. 743 of 2020 dated 25.09.2020 under Sections 21(c)/29
of the Narcotics Drugs and Psychotropic Substances Act, the
petitioner has filed the present application.

Heard the learned advocates appearing for the
respective parties and considered the materials 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 co-accused's statement. In view thereof, we are of the
opinion that the rigors of Section 37 of the NDPS Act are not
attracted and as such, custodial interrogation is not
warranted more so when, the petitioner does not have any

criminal antecedent and since upon completion of investigation charge sheet has been filed.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, Washim Hossain @ Sk @ Md. Washim Hossain shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount, one of whom must be local, subject 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.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend learned court below on all the dates, as specified for hearing.

In the event, the petitioner fails to comply with the aforesaid directions, without any justifiable case, 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 7815 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.)