

CRM 8401 of 2021
(via video conference)

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

In the matter of : **Zakir Sk. @ Jakir**

..... petitioner

Ms. Minoti Gomes

.....For the petitioner

Ms. Anusuya Sinha

Mr. Pinaki Kumar Mitra

.....For the State

Apprehending arrest in connection with Jalangi Police Station Case No. 416/2020 dated 04.12.2020 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, the instant application for anticipatory bail has been filed.

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 petitioner and that his name has transpired on the basis of the statement a co-accused person. In view thereof, the rigors of Section 37 of the NDPS Act are not attracted.

However, Ms. Sinha, learned advocate, assisted by Mr. Mitra, learned advocate appearing for the State, submits that the petitioner has antecedents. He is involved in a narcotic case and also in a case under Section 307 of the Indian Penal Code.

Ms. Gomes, learned advocate appearing for the petitioner submits that in the narcotic case, the petitioner has already

been granted anticipatory bail and in the other case also, he has been enlarged on bail.

In the said conspectus and since charge sheet has been submitted, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Zakir Sk. @ Jakir** shall 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 Special Court under the NDPS Act, Murshidabad 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 cause, the learned Court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 8401 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.

(Md. Nizamuddin, J.)

(Tapabrata Chakraborty, J.)