

161 24.03.2022
(AD)
Court No.29
(Allowed)

C.R.M. 8468 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Seizure Case No.02/NDPS/CL/CUS/BDNPU/2018** dated **31/08/2018** under Sections **15(c)/29** of the Narcotic Drugs and Psychotropic Substances Act giving rise to Special Case No.51 of 2018.

And

In the matter of: Sk. Jamiruddin @ Jamir

....petitioner.

Mr. Navanil De
Mr. Subhrajit Dey

...for the petitioner.

Mr. U.S. Bhattacharyya
Mr. Sukalpa Seal

...for the Customs(Preventive).

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that no recovery was made 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. In any event, the customs filed the final report.

Learned Advocate appearing for the Customs submits that the petitioner did not respond to the notices.

Considering the fact that no contraband was recovered from the possession of the petitioner and considering the fact that the customs submitted the final report with the jurisdictional Court and considering the fact that the customs are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody, 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 every day 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. 8468 of 2021 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)