

**CRM 8550 of 2021**  
**(via video conference)**

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

In the matter of : **Hakim Sk**

**..... petitioner**

**Md. Sarwar Jahan**

**.....For the petitioner**

**Mr. Subham Bhakat**

**.....For the State**

Apprehending arrest in connection with Lalgola Police Station Case No. 398 of 2020 dated 02.11.2020 under Sections 22(c)/25(A)/29 of the Narcotic Drugs and Psychotropic Substance Act, the present application has been preferred.

Mr. Jahan, learned advocate appearing for the petitioner submits that there had been no recovery of contraband substance from the possession of the petitioner and his name has transpired on the basis of the co-accused statement.

Such contention has not been disputed by Mr. Bhakat, learned advocate appearing for the State. Answering the queries of this Court, he submits that investigation is complete and the petitioner has no antecedent.

It appears that there had been no recovery of contraband substance above commercial quantity from the possession of the petitioner and that his name has been transpired on the basis of the co-accused statement. In

view thereof, Section 37 of the NDPS Act is not attracted and as such, the petitioner may be granted anticipatory bail moreso when upon completion of investigation, charge sheet has been submitted.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Hakim Sk** 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 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 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 8550 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.

**(Krishna Rao, J.)**

**(Tapabrata Chakraborty, J.)**