

27.01.2022.
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Saswata
(Allowed)

**C.R.M. 8649 of 2021
(Through Video Conference)**

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

In the matter of : Sahajahan Ali

... Petitioner.

Mr. Sayan De
Mr. Sayan Kanjilal

...for the Petitioner.

Mr. Ranadeb Sengupta

.....For the State.

Apprehending arrest in connection with Raiganj Police Station Case No. 198 of 2021 dated 29.03.2021 under Sections 21(c)/23(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, the present application has been preferred.

Heard learned advocates for the respective parties and considered the materials in the case diary.

It appears that the petitioner is similarly situated with one, Basudev Ghosh who had already been granted anticipatory bail by a Coordinate Bench of this Court. There had been no recovery of contraband substance above commercial quantity from the possession of the petitioner and it appears that his name had transpired on the basis of the statement of the co-accused. In view thereof, the rigors of Section 37 of the N.D.P.S Act is not attracted and petitioner may be granted anticipatory bail more so when, upon completion of investigation chargesheet has been submitted.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sahajahan Ali**, be released on bail upon furnishing a Bond of ₹10,000/- (Rupees Ten thousand only), 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 attend the learned trial Court on all the dates, as fixed for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial Court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 8649 of 2021 is 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.)

