

15.02.2022
cm/ct 28
sl no. 10

C.R.M. 9434 of 2020

In Re : An application for Anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Special Case No. 38 of 2019 arising out of NCB Crime No. 23/NCB/KOL/2019 dated 13.12.2019 under Sections 20(c)/27A/28/29 of the Narcotic Drugs & Psychotropic Substances Act.

And

Allowed

In Re : Jatai Shaikh @ Seikh

..... petitioner

Mr. Uday Sankar Chattopadhyay
Mr. Santanu Maji

..... for the petitioner

Mr. Y.J. Dastoor, Ld. A.S.G.
Mr. Rajesh Kumar Shah

..... for the N.C.B.

It is contended no narcotic substance was recovered from the petitioner. Co-accused similarly circumstanced with the petitioner are on regular bail.

Learned lawyer for the Department opposes the prayer for anticipatory bail.

Having considered materials on record we note no narcotic substance was recovered from the petitioner. Statements of co-accused before investigating officers are inadmissible in evidence. Other materials collected against the petitioner are flimsy in nature and investigation is complete. They attended the interrogation. Under such circumstances, we are of the opinion that petitioner has been able to rebut the statutory restrictions under section 37 of the NDPS Act and may be granted pre-arrest bail.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, to the satisfaction

of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

Petitioner shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM 9434 of 2020 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)