

29.09.2023
Sl. No.54
akd
[ALLOWED]

C. R. M. (A) 4072 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 06.09.2023 in connection with Raninagar Police Station Case No. 460 of 2022 dated 19.10.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.216 of 2022)

And

In Re: ***Soriful Islam @ Sariful Sk. @ Kalu***

... .. Petitioner

Mr. Arnab Chatterjee
Ms. Poulami Bose

... .. for the petitioner

Mr. Arijit Ganguli
Mr. Arani Bhattacharyya

... .. for the State

1. It is submitted on behalf of the petitioner that no narcotic substance was recovered from his possession. Investigation is complete. Accordingly, he prays for anticipatory bail.
2. Learned Advocate appearing for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner and his complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Investigation is complete. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. Hence, we are inclined to grant anticipatory bail to the petitioner.
4. Accordingly, we direct that in the event of arrest, the petitioner, namely ***Soriful Islam @ Sariful Sk. @ Kalu***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only)

each, 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 further condition that the petitioner shall appear before the court below and pray for regular bail within four weeks from date.

5. The application for anticipatory bail is, thus, disposed of.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)