

30.11.2023

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Allowed

C.R.M. (A) No. 4621 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Raninagar Police Station Case No. 469 of 2023 dated 25.08.2023 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Yadul Sekh @ Yeadali Sk. @ Iyadali Sekh petitioner

Mr. Tapodip Gupta

Mr. Suman Bhanja

.....for the petitioner

Mr. Sanjoy Bardhan

Ms. Baishakhi Chatterjee

....for the State

1. Heard the learned Counsels for the parties.

2. We have considered the materials on record. No narcotic substance was recovered from the petitioner. His complicity has transpired from the co-accused. Statement of co-accused before police officer is inadmissible in evidence. Under such circumstances and in view of statutory restrictions under Section 37 of the NDPS Act, we are inclined to grant anticipatory bail to the petitioner.

3. 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 and on condition that he shall appear before the court below and pray for regular bail within a period of four weeks from date and on further condition that petitioner

shall meet the investigating officer once in a week until further orders.

4. This application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)