

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

27.02.2023.
167/tkm

C.R.M. (A) 117 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Bhaktinagar P.S case no. 75 of 2022 dated 12.1.2022 under sections 21(C)/22(c)/29 of the NDPS Act

and

Allowed

In Re : Tajemuddin Sk @ Tajemaddin Sk. @ Tazai Sk
... petitioner

Mr. A Chowdhury
Mr. P Dutta Chowdhury

..... for the petitioner

Mr. A S Chakraborty
Mr. K Nag

..... for the State

Petitioner submits no narcotics was recovered from his possession. 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 statutory restrictions under section 37 of the NDPS Act and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioners 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 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 (A) 117 of 2023 is disposed of.

(Subhendu Samanta,J.)

(Joymalya Bagchi, J.)