

09.03.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1139 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliyaganj** Police Station Case No. **110** of **2019** dated **06.06.2019** under Section 21(b) of the NDPS Act and under Sections 411/413 of the Indian Penal Code, 1860.

And

In Re : Nazim @ Nazimuddin

..... petitioner

Ms. Juin Dutta Chakraborty

....for the petitioner

Mr. Saibal Bapuli

Mr. Arani Bhattacharya

....for the State

Considering the fact that the police filed charge-sheet and considering the fact that no narcotic was recovered from the possession of the petitioner and considering the fact that the police is proceeding against the petitioner on the basis of the statement of the co-accused made while in custody, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, we grant anticipatory bail to the petitioner.

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 the petitioner shall appear before the jurisdictional court on every date fixed and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)