

23 11.03.2022
(AD)
Court No.29
(Allowed)

C.R.M. (A)1189 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Baishnabnagar** P.S. Case No. **805 of 2016** dated **09/10/2016** under Sections **21(C)/29** of the NDPS Act.
And

In the matter of: Ashim Sk @ Ashim Akram

....petitioner.

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

...for the petitioner.

Mr. Narayan Prasad Agarwala
Mr. Saryati Datta

...for the State.

Petitioner seeks anticipatory bail on the ground of parity with that of the other co-accused who was granted anticipatory bail by the coordinate Bench on December 21, 2021 in CRM 5578 of 2021.

Learned Advocate appearing for the State submits that the claim for parity is with substance.

Considering the fact that the petitioner can justifiably claim parity with that of the other co-accused who was granted anticipatory bail by the coordinate Bench on December 21, 2021 in CRM 5578 of 2021 and considering the fact that the police submitted charge sheet and considering the fact that no narcotics was recovered from the possession of the petitioner, 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/- (Rupees Ten Thousand Only) 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 jurisdictional Court and pray for regular bail within four weeks from date and on further condition that the petitioner shall appear before the Court below on every date fixed for hearing.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M.(A) 1189 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)