

16.03.2022
Sl. 25
Court No.29
sourav
(Allowed)

C.R.M. (A) 1264 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **11.03.2022** in connection with **Kaliachak** P.S. Case No. **1006** of **2020** dated **08.12.2020** under Sections **22(C)/29** of the NDPS Act.

And

In the matter of: **Bachachan Ghosh**

....petitioners.

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

...for the petitioners.

Mr. Sanjoy Bardhan
Ms. Baishakhi Chatterjee

...for the State.

Petitioner seeks anticipatory bail.

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

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 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 every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including

cancelling the anticipatory bail granted without further reference to this Court.

Consequently, we grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 1264 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

