

21.06.2022
Serial no.38
Aloke

CRM (A) 2932 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Bhagwangola Police Station Case No. 249 of 2022 dated 14.04.2022 under Sections 21(C)/29 of the NDPS Act.

-And-

In the matter of : **Enamul Hoque @ Inamul Hoque**
... .. Petitioner

Mr. Ali Ahsan Alamgir, Advocate
Ms. Riay Das, Advocate
Ms. Rabi Khatoon, Advocate

... .. For the Petitioner

Mr. Madhusudan Sur, Id. APP
Mr. Dipankar Pramanik, Advocate

... ..For the State

Petitioner seeks anticipatory bail on the ground of parity with other co-accused who were enlarged on anticipatory bail by the orders dated June 13, 2022 in CRM (A) 2647 of 2022 and the order dated June 14, 2022 in CRM (A) 2652 of 2022.

Learned Advocate appearing for the State does not dispute such parity.

No recovery was made from the possession of the petitioner. The petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody. Therefore, petitioner is able to rebut the presumption under Section 37 of the NDPS Act, 1985.

In such circumstances on the ground of parity, we are inclined to 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 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 report before the Investigating Officer once in a fortnight till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 2932 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)