

05.07.2022

Serial no. 06

[Dd]

(Anticipatory bail)

Allowed

CRM (A) 3001 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **389** of **2022** dated **15.04.2022** under Sections **21(c)/27A/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

-And-

In the matter of : **Motiur Rahaman**

... .. Petitioner

Mr. Mrityunjay Chatterjee,
Mr. Debapriya Majumder, Advocates
... .. *For the Petitioner*

Mr. Madhusudan Sur, Id. APP
Mr. Manoranjan Mahata, Advocates
... ..*For the State*

The petitioner prays for anticipatory bail on the ground of parity with that of the other co-accused who was enlarged on anticipatory bail on June 9, 2022 passed in CRM(A) 2468 of 2022.

Report as called for by the order dated June 24, 2022 filed in Court be taken on record. The report dated June 29, 2022 states that the police are proceeding against the petitioner on the basis of the statements of the co-accused made while in custody.

No narcotic was recovered from the possession of the petitioner. At this stage, the petitioner is being proceeded against on the basis of the statements of the co-accused made while in custody. At this stage, the police are unable to establish any nexus between the petitioner and the

person arrested with the commercial quantity of narcotic or with the seized commercial quantity of narcotic.

In such circumstances, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Consequently, 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 further condition that the petitioner shall report before the Investigating Officer once in a week till the conclusion of the investigation and on further condition that the petitioner shall appear on every date 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) 3001 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

