

71 29.06.2022
(AD) Court No.29
(Allowed)

C.R.M. (A) 3067 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gangarampur** Police Station Case No. **328 of 2020** dated **17/09/2020** under Sections **22(c)/23(c)/27A/28/29** of the Narcotic Drugs and Psychotropic Substances Act read with Sections **27(a)/(b)** of the Drugs and Cosmetics Act.

And

In the matter of: Badariddoja Ali

....petitioner.

Mr. Kaushik Chowdhury
Ms. Busra Khatoon

...for the petitioner.

Mr. Antarikhya Basu

...for the State.

Petitioner prays for anticipatory bail.

Considering the fact that no narcotics was recovered from the possession of the petitioner and considering the fact that the police filed charge sheet and considering the fact that the police at this stage are unable to establish any nexus between the petitioner and the person arrested with the commercial quantity of narcotics and considering the fact that the other co-accused was enlarged on anticipatory bail by the Coordinate Bench on December 17, 2020 passed in CRM 9264 of 2020, 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 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.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 3067 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)