

19.07.2022
Serial no. 05
[Dd]
(Anticipatory bail)
Allowed

CRM (A) 3251 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Lalgola** Police Station Case No. **830** of **2021** dated **24.12.2021** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act.

-And-

In the matter of : **Jahir Abbas @ Liton Sheikh**

... .. Petitioner

Mr. Niladri Sekhar Ghosh,
Mr. Tapadip Gupta,
Mr. S. Mondal, Advocates
... .. *For the Petitioner*

Mr. Antarikhya Basu, Advocate
... ..*For the State*

Petitioner renews the prayer for anticipatory bail.

Initially the petitioner approached the Court with a prayer for anticipatory bail in CRM (A) 543 of 2022 which was dismissed as not pressed on March 8, 2022.

Subsequently other co-accuseds were enlarged on anticipatory bail on the ground that no narcotic was recovered from such co-accuseds and that such co-accuseds were being proceeded against on the basis of the statements of the persons arrested with the commercial quantity of narcotic made while in custody.

The petitioner apparently stands on the same footing as that of the other co-accuseds who were enlarged on anticipatory bail.

Learned advocate appearing for the State submits that an order of proclamation was issued on July 15, 2022.

The petition was affirmed on July 5, 2022 and was taken up for consideration on July 8, 2022.

The order of proclamation was issued subsequent to the application for anticipatory bail.

The claim for parity with other co-accuseds who were enlarged on anticipatory bail is not being seriously disputed on behalf of the State.

No narcotic was recovered from the possession of the petitioner. The petitioner was sought to be proceeded on the basis of the statements of the co-accuseds made while in custody.

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

The petitioner also stands on the same footing as that of the other co-accuseds who were enlarged on anticipatory bail.

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 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.**

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CRM (A) 3251 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)