

18.07.2022

23

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 3395 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. **85** of **2021** dated **12.02.2021** under Sections 20(b)/21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : Karim Sk @ Korim Sk.

..... petitioner

Mr. Tapodip Gupta

....for the petitioner

Mr. Saibal Bapuli

Ms. Sayanti Santra

....for the State

The claim for parity with the other co-accused, who was granted anticipatory bail on October 8, 2021 passed in CRM 3596 of 2021 is not being disputed on behalf of the learned advocate appearing for the State. No narcotic was seized 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. The police filed charge-sheet. 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 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/-, 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 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)