

11.08.2022
Serial no.13
Aloke

CRM (A) 3809 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. 1330 of 2021 dated 28.11.2021 under Sections 22(C)/27A/29 of the NDPS Act and Section 27A of the Drugs and Cosmetic Act.

-And-

In the matter of : **Anarul Islam @ Enarul Hoque**

... .. Petitioner

Mr. Arup Kr. Bhowmick, Advocate

... .. For the Petitioner

Mr. T.D. Nandy, Advocate

Mr. Antarikhya Basu, Advocate

Mr. Avishek Sinha, Advocate

... ...For the State

Petitioner claims parity with other co-accused who was enlarged on anticipatory bail on April 26, 2022 passed in CRM (A) 1429 of 2022.

The claim of parity is not being disputed on behalf of the State.

No narcotic was recovered from the possession of the petitioner. The State are unable to establish any nexus between the petitioner and the person arrested with the commercial quantity of narcotics or the seized commercial quantity of narcotics.

We, therefore, of the view that the petitioner is able to rebut the presumptions 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 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) 3809 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)