

25.08.2022

Sl.10
Court No.29
(AD)
(Allowed)

C.R.M. (A) 3919 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.**280 of 2022** dated **19/03/2022** under Sections **188/353/332/333/307/34** of the Indian Penal Code, 1860 and Section **27(A)** of the Drugs and Cosmetics Act, 1940 and Section **21(c)** of the NDPS Act. (Corresponding to G.R. Case No.1600/2022).

And

In the matter of: **Sariful Miya**

....petitioner.

Mr. Mazhar Hossain Chowdhury
Ms. Mobashshara Alam

...for the petitioner.

Mr. Binay Panda
Mr. Subham Bhakat

...for the State.

Report as called for by the order dated August 16, 2022 filed in Court be taken on record.

Leave granted to the learned Advocate for the petitioner to correct the cause-title in view of the State applying for Section 21(c) of the NDPS Act, 1985 to be added.

No narcotics were recovered 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 at this stage are unable to demonstrate any nexus between the petitioner and/or the persons arrested with the commercial quantity of narcotics and the seized commercial quantity of narcotics.

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/- (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 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.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 3919 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)