

18.08.2022
Serial no.19
Aloke

CRM (A) 3933 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. 1439 of 2021 dated 27.12.2021 under Sections 21(c)/29 of the NDPS Act and Section 27A of the Drugs and Cosmetics Act.

-And-

In the matter of : **Motaleb Sk.**

... .. Petitioner

Mr. Tapan Dutta Gupta, Advocate
Mr. Parvej Anam, Advocate
... .. For the Petitioner

Mr. Sanjay Bardhan, Advocate
Mr. Palash Chandra Majhi, Advocate
... .. For the State

Petitioner seeks anticipatory bail on the grounds of parity.

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

The police at this stage are unable to demonstrate any nexus between the petitioner and the seized commercial quantity of narcotics or the person arrested with the commercial quantity of narcotics. 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 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.

CRM (A) 3933 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)