

23.09.2022
Serial no. 20
Aloke

CRM (A) 4546 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. 241 of 2022 dated 05.03.2022 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985. (Corresponding to NDPS Case No. 40/2022)

-And-

In the matter of : **Sabirul Islam @ Mithun @
Sabirul Mia @ Sabirul Miya & Anr.**
... .. Petitioners

Mr. Mazhar Hossain Chowdhury, Advocate
Ms. Mobashshara Alam,, Advocate
... .. For the Petitioners

Mr. Sanjay Bardhan, , Advocate
Ms. Debjani Dasgupta, Advocate
... ..For the State

Petitioners seek anticipatory bail.

No narcotic was recovered from the possession of the petitioners. The police filed charge sheet. The police at this stage are unable to demonstrate any nexus between the petitioners and the person arrested with the commercial quantity of narcotics and/or the seized commercial quantity of narcotic. The police are proceeding against the petitioners on the basis of the statement of the co-accused made while in custody. Two other co-accuseds were enlarged on anticipatory bail by this Hon'ble Court.

In such circumstances, we are of the view that the petitioners are able to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Consequently, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 petitioners 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 petitioners 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) 4546 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)