

09.11.2022
Serial no.7
Aloke

CRM (A) 4570 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. 365 of 2022 dated 10.04.2022 under Sections 22(c)/27A/29 of the NDPS Act.

-And-

In the matter of : **Mahabul @ Mohabul Miya**

... .. Petitioner

Ms. Minoti Gomes, Advocate

Mr. Mounick Ghosh, Advocate

... .. For the Petitioner

Mr. Rudradipta Nandy, Id. APP

Mr. Ranadeb Sengupta, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

Report as called for by the order dated September 28, 2022 filed in Court be taken on record.

The police at this stage are unable to establish any nexus between the petitioner and the person arrested with the commercial quantity of narcotics and/or the seized commercial quantity of narcotics. The police filed charge-sheet. The police are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody.

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) 4570 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)