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(AD) 31.10.2022

C.R.M. (A) 4567 of 2022

Court No.29
(Allowed)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Suti** Police Station Case No.**49 of 2022** dated **26/01/2022** under Sections **22(c)/29** of Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: **Abdul Jabbar @ Pipi**

....petitioner.

Mr. Arnab Chatterjee
Mr. Jisan Iqubal Hossain

...for the petitioner.

Mr. Saryati Datta

...for the State.

Petitioner prays for anticipatory bail.

Report as called for by the order dated September 26, 2022 filed in Court be taken on record.

It appears from such report that the petitioner was initially arrested in Suti Police Station Case No.517/2021 dated November 30, 2021 under Sections 3/4/5 of the Explosive Substances Act. The petitioner was enlarged on bail in such police case subsequently.

The police registered the present police case, *inter alia*, against the petitioner. Since at the material point of time the petitioner was in custody in respect of the Explosive Substances Act case, the police made a prayer for arresting the petitioner in the present police case which was subsequently allowed. However, in the meantime, the petitioner was enlarged on bail in the Explosive Substances Act case.

In the present police case, the police filed charge sheet.

At this stage, the police are unable to demonstrate any

nexus between the petitioner and the commercial quantity of narcotics seized and/or the person arrested with the 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) 4567 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)