

14.11.2022
Serial no. 07
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 4798 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Hasnabad** Police Station Case No. **748** of **2021** dated **28.12.2021** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985 corresponding to G.R no. **5579/2021** and charge sheet no. 209/2022 dated 16.05.2022 under Section 21(c) and 29 of the Narcotics Drugs and Psychotropic Substances Act, 1985.

-And-

In the matter of : **Omar Faruk Gazi @ Omar Faruque Gazi**
@ Bapi

... .. Petitioner

Mr. Ramashis Mukherjee,
Mr. Sourav Chakraborty, Advocates
... .. *For the Petitioner*

Mr. Sanjoy Bardhan,
Ms. Baishakhi Chatterjee, Advocates
... .. *For the State*

Report as called for by order dated October 31, 2022 filed in Court be taken on record.

Police filed charge sheet.

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

The Court is informed that warrant of arrest and warrant of proclamation of attachment were issued. They are, however, yet to be executed.

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) 4798 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)