

31.10.2022
Serial no. 83
[Dd]
(Anticipatory bail)
Allowed

CRM (A) 4827 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Bhagwangola** Police Station Case No. **88** of **2022** dated **11.02.2022** under Sections **21(C)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Corresponding to NDPS Case No. **52 of 2022**)

-And-

In the matter of : **Hasan Sk @ Md Kalu Sk**
... .. Petitioner

Mr. Ashan Alamgir,
Ms. Rabia Khatun, Advocates
... .. *For the Petitioner*

Mr. Saryahti Datta, Advocate
... ..*For the State*

Co-accused was enlarged on anticipatory bail by the coordinate bail on June 10, 2022 passed in CRM (A) 2501 of 2022.

No narcotic was seized from the possession of the petitioner. The petitioner is standing on the same footing as that of the co-accused who was enlarged on anticipatory bail by the co-ordinate Bench. The police filed charge sheet. The police at this stage are unable to establish any nexus between the petitioner and the person arrested with the commercial quantity of narcotic and/or the commercial quantity of narcotic seized.

In such circumstances, we are of the view that the petitioner was 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) 4827 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)