

14.11.2022
Serial no.10
Aloke

CRM (A) 4892 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No. 01 of 2022 dated 01.01.2022 under Sections 21(b)/29/27(A) of the NDPS Act, 1985.

-And-

In the matter of : **Maruf Sk**

... .. Petitioner

Mr. Krishendu Bhattacharya, Advocate

Mr. Partha Sarathi Das, Advocate

Mr. Priyankar Ganguly, Advocate

Ms. Shalini Bairagi, Advocate

... .. For the Petitioner

Mr. Joydeep Roy, Advocate

Mr. Amanul Islam, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

The application is taken up for consideration subsequent to the order dated October 13, 2022.

The State submits a report which be taken on record.

In such report, it appears that no narcotic was recovered from the possession of the petitioner. The petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody.

The police at this stage are unable to demonstrate any nexus between the petitioner and the co-accused who was arrested with commercial quantity of narcotics and/or the seized commercial quantity of narcotics. The police filed charge-sheet.

In such circumstances, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS, 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) 4892 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)