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(AD) 18.11.2022

C.R.M. (A) 5305 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 **Goalpokher** Police Station Case No.**271 of 2021** dated **09/08/2021** under Section **20(b)(ii)(c)** of the Narcotic Drugs and Psychotropic Substances Act, 1985; corresponding to NDPS Case No.59 of 2021.

And

In the matter of: **Md. Musfique Alam**

....petitioner.

Mr. Niladri Sekhar Ghosh
Mr. Mujibar Ali Naskar
Md. Habibur Rahman

...for the petitioner.

Mr. Ranadeb Sengupta

...for the State.

Petitioner prays for anticipatory bail.

No recovery was made from the possession of the petitioner. The petitioner is being proceeded against on the basis of the statement made by the co-accused while in custody. The police filed charge sheet.

In such circumstances, we are of the view that the petitioner is able to rebut the presumptions 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) 5305 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)