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(AD) 05.12.2022

C.R.M. (A) 5630 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 **Swarupnagar** Police Station Case No.**733 of 2022** dated **25/07/2022** under Sections **21(b)(ii)B/21(c)** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: **Moidul Molla @ Mahidul Mollah**

....petitioner.

Mr. Satadru Lahiri

Mr. Safdar Azam

...for the petitioner.

Mr. Saryati Datta

...for the State.

Petitioner prays for anticipatory bail.

The police filed charge sheet.

Another co-accused was enlarged on anticipatory bail by this Court on November 22, 2022 passed in CRM (A) 5341 of 2022.

The police are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody. The police at this stage are unable to establish any nexus between the petitioner and the person arrested with the commercial quantity of narcotics and/or seized 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) 5630 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)