

21.12.2022
Serial no. 05
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 5764 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Tapan** Police Station Case No. **345** of **2022** dated **13.06.2022** under Sections **21(C)/22(C)//23(C)/27A** of the Narcotic Drugs and Psychotropic Substances Act, 1985. (Special Case no. 47 of 2022)
-And-

In the matter of : **Abdul Molla @ Abdulohab Sarkar**
... .. Petitioner

Mr. Kaushick Chowdhury,
Ms. Busra Khatoon, Advocates
... .. *For the Petitioner*

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

Report as called for by the order dated December 12, 2022 filed in Court be taken on record.

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

There are statements of villagers where they claim that the petitioner is engaged in the business of narcotics. Such statements were considered by this Court in CRM (A) 5161 of 2022 and co-accused was granted anticipatory bail on November 16, 2022.

Other co-accused was enlarged on anticipatory bail who were standing on the same footing as that of the petitioner herein.

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 report before the Investigating Officer once in a week till the conclusion of the investigation 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) 5764 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)