

15.12.2022
SI 29
Court No.29
(sp)
(Allowed)

C.R.M. (A) 5846 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No.**199 of 2021** dated **19.02.2021** under Sections **27(A)** of the Drugs & Cosmetics Act, 1940 and 21(c)/29 of the NDPS Act.

And

In the matter of: **Abu Salam @ Abbu Salam**

....petitioner.

Mr. Kalidas Saha

...for the petitioner.

Mr. Saryati Datta

...for the State.

Petitioner prays for anticipatory bail.

The police proceeded against the petitioner on the basis of the statements made by the co-accused while in custody.

The police filed charge sheet.

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 seized commercial quantity of narcotics.

The principal accused was granted bail by the jurisdictional Court since the provisions of the NDPS Act, 1985 were not added at that time.

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) 5846 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

