

CRM (A) 23 of 2023

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Gangarampur Police Station Case No. 437 of 2021 dated 26.10.2021 under Sections 22(c)/29 of the NDPS Act along with Section 27A of the Drugs and Cosmetics Act.

-And-

In the matter of : **Alamgir Hossain**

... ... Petitioner

Ms. Jeenia Rudra, Advocate

Mr. Thaneshware Kumai, Advocate

... ... For the Petitioner

Mr. Madhusudan Sur, Id. APP

Mr. Manoranjan Mahata, Advocate

... ...For the State

Petitioner seeks anticipatory bail.

Police filed charge-sheet.

At this stage, police 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.

Police at this stage are proceeding against on the basis of the statement of the co-accused made while in custody.

Co-accused similarly circumstanced was granted anticipatory bail.

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 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) 23 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)