

16.01.2023

53
Ct. No. 29
CHC
Allowed

C.R.M.(A) 187 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Habibpur** Police Station Case No. **86** of **2021** dated **21.03.2021** under Sections 14(A)(B)/14C of the Foreigners Act read with Sections 22(a)/23(a) NDPS Act.

And

In Re : Ashu Das

..... petitioner

Mr. Tapan Datta Gupta,
Mr. Parvej Anam

....for the petitioner

Mr. Ranadeb Sengupta

....for the State

Petitioner prays for anticipatory bail.

Police filed charge-sheet.

Admittedly, petitioner is an Indian National.

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

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.

In such circumstances, we are of the view that petitioner is able to overcome the restrictions under Section 37 of the N.D.P.S. Act. 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 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)