

21.03.2023

Sl.3

Court No.29

(AD)

(Allowed)

C.R.M. (A) 1074 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Special Case No.83 of 2021 arising out of **English Bazar** Police Station Case No. **1154 of 2021** dated **08.09.2021** under Sections **21(c)/29** of the Narcotics Drugs and Psychotropic Substances Act.

And

In the matter of: **Syiem Ali**

....petitioner.

Mr. Mrityunjoy Chatterjee

...for the petitioner.

Mr. Saibal Bapuli, Ld. APP

Mr. Soumik Ganguli

...for the State.

Report as called for by the order dated March 14, 2023 filed in Court be taken on record.

Police filed charge sheet in the present case.

The report does not demonstrate any nexus between the petitioner and the person arrested with the commercial quantity of narcotics and/or seized commercial quantity of narcotics.

There is a police complaint against the petitioner pending.

In the present police case, apparently, the police are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody.

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) 1074 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)