

24.03.2023

32

Ct. No. 29

CHC

Allowed

C.R.M.(A) 1227 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raghunathganj** Police Station Case No. **549** of **2022** dated **01.07.2022** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act and Sections **182/465/468/471/475/120(B)** of the Indian Penal Code.

And

In the matter of: Samad Sk.

..... petitioner

Mr. Jisan Hossain,

Ms. Chandrima Debnath

....for the petitioner

Mr. S. Datta

....for the State

A claim of parity with the other co-accused who was enlarged on anticipatory bail by the order dated March 14, 2023, passed in CRM (A) 1041 of 2023 is not being disputed on behalf of the State.

At the stage, police are unable to demonstrate any nexus between the petitioner and the person arrested with the commercial quantity of narcotics and seized commercial quantity of narcotics.

Police filed charge-sheet.

In such circumstances, we are of the view that 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/-, 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.)