

20.04.2023

Serial no. 06

[Dd]

(Anticipatory Bail)

(Allowed)

CRM (A) 1544 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **03** of **2023** dated **02.01.2023** under Sections **27(a)/29** of the NDPS Act, 1985.(corresponding to Spl. Case no. 02 of 2023)

-And-

In the matter of : **Abdur Rahaman @ Abdul Rahaman & Anr.**

... .. Petitioners

*Ms. Mobashshara Alam,
Mr. Mazahar Hossain Chowdhury, Advocates
... .. For the Petitioners*

*Mr. Sudip Ghosh,
Mr. Bitasok Banerji, Advocates
... ..For the State*

Report as called for by the order dated April 13, 2022 filed in Court be taken on record.

The report states that although there is no criminal background of the petitioners, however, the petitioners and the arrested accused are engaged in running business of manufacturing brown sugar.

There is no material in the case diary to corroborate such claim as appearing from report.

Another co-accused was granted anticipatory bail on April 4, 2023 passed in CRM(A) 1208 of 2023.

Apparently, police are proceeding against the petitioners on the basis of the statement of the co-accused made while in custody. Police, at this stage, are unable to demonstrate any nexus between the petitioners and the person arrested with the controlled substance.

In such circumstances, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 petitioners shall report before the Investigating Officer once in a week till the conclusion of the investigation and on further condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioners is **allowed**.

CRM (A) 1544 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)