

25.04.2023

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Ct. No. 29
CHC
Allowed

C.R.M.(A) 1579 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Baishnabnagar** Police Station Case No. **144** of **2022** dated **13.02.2022** under Sections **21(C)/29** of the NDPS Act.

And

In the matter of: Sukuruddin Sk @ Sukra
@ Sukhrdi

..... petitioner

Mr. Arup Kumar Bhowmick
....for the petitioner

Mr. Antarikhya Basu
....for the State

Police filed charge-sheet.

Report as called for by the order dated April 17, 2023 filed in Court be taken on record.

The report does not speak of any nexus between the petitioner and the person arrested with the commercial quantity of narcotics and/or seized commercial quantity of narcotics. It alludes to an allegation that the petitioner belongs to the same locality as that of the co-accused and is running the business of illegal smuggling of narcotics.

However, such statement in the report stands uncorroborated by any material in the case diary as on date.

Consequently, we are of the view that petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985.

We, therefore, 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.)

(Rai Chattopadhyay, J.)