

20.04.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1667 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. **96** of **2023** dated **28.01.2023** under Sections 21(c)/27A/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : Saddam Sk @ Md. Saddam Sekh

..... petitioner

Mr. Santanu Talukdar

Mr. Priyankar Ganguly

....for the petitioner

Mr. Saryati Dutta

....for the State

Petitioner stands on the same footing as that of the other co-accuseds, who were enlarged on bail from time to time.

Two co-accuseds were granted anticipatory bail on April 19, 2023.

The claim for parity is not being opposed on behalf of the State.

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/-, 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 meet the Investigating Officer once a week till the conclusion of the investigation 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)