

03.05.2023

Sl.3
Court No.29
(AD)
(Allowed)

C.R.M. (A) 1745 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jiaganj** Police Station Case No.**71 of 2023** dated **17.03.2023** under Sections **21(c)/29** of the Narcotics Drugs and Psychotropic Substances Act.

And

In the matter of: **Shuku Biswas**

....petitioner.

Sk. Jayeel Hossen

... for the petitioner.

Mr. Saryati Datta

...for the State.

Report as called for by the order dated April 25, 2023 filed in Court be taken on record.

The petitioner is the father of the two co-accuseds who were arrested with the commercial quantity of narcotics.

There are call details recording between the petitioner and such two co-accuseds.

It is natural and normal for a father to speak with his two sons on the mobile.

Independent of the call details recording, there are no materials in the case diary suggesting any nexus between the petitioner and/or his two sons with regard to the seized commercial quantity of narcotics.

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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 1745 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)