

08.05.2023

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Ct. No. 29
CHC
Allowed

C.R.M.(A) 1793 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. **1335** of **2022** dated **19.11.2022** under Sections **379/411/413/414** of the Indian Penal Code, 1860 and under Sections **21(c)/27(a)/29** of the Narcotics Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : Rubel Mia @ Rubel

..... petitioner

Ms. Minoti Gomes,
Mr. Majhar Hossain Chowdhury
....for the petitioner

Mr. Rudradipta Nandy, Ld. A.P.P.
Mrs. Sonali Das,
Mr. Subrata Roy
....for the State

Report as called for by the order dated April 27, 2023 filed in Court be taken on record.

Report does not demonstrate any nexus between the petitioner and the person arrested with the commercial quantity of narcotics and/or seized quantity of narcotics at this stage.

Apparently, the police are proceeding on the basis of the statement of the co-accused while in custody.

In such circumstances, 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 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 in a week till the conclusion of 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.)