

27.04.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1805 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gangarampur** Police Station Case No. **449** of **2022** dated **08.09.2022** under Sections 341/326/307/353/186/34 of the Indian Penal Code, 1860 read with Sections 21(C)/23(c)/28/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 51 of the Wildlife (Protection) Act, 1972.

And

In Re : Mamul Mia @ Matiur Rahaman & Ors.

..... petitioners

Ms. Jeenia Rudra

Ms. Megha Chanda

....for the petitioners

Mr. Madhusudan Sur

Mr. Arabinda Manna

....for the State

Police filed charge-sheet.

Co-accuseds were enlarged on anticipatory bail in three applications for grant of anticipatory bail on December 8, 2022, March 27, 2023 and December 22, 2022.

The claim for parity with such co-accuseds is not being opposed on behalf of the State.

In such circumstances, we are of the view that the petitioners are able to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Consequently, we 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/- 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 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)