

04.07.2023

Sl. 9

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 2299 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Habibpur** Police Station Case No. **86** of **2021** dated **21.03.2021** under Sections **14(A)(b)/14(C)** of the Foreigners Act read with Section **22(a)/23(a)** of NDPS Act.

And

In the matter of: **Naru Jaharuddin @ Momin Jerhul Sk.**

....petitioner.

Mr. Kazi Mokhlasur Rahman

...for the petitioner.

Mr. Sanjoy Bardhan

Mr. Palash Chandra Majhi

...for the State.

1. Heard learned Counsel for the parties.
2. The first application for anticipatory bail of the present petition was rejected earlier by a co-ordinate bench but subsequently, one co-accused Ashu Das has been released on anticipatory bail who is stated to be on similar footing with the present petitioner. Be that as it may, six bottles of phensedyl, which is not a commercial quantity is alleged to have been seized from the co-accused on the basis of whose statement the present petitioner is implicated.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, question of parity and quantity of contraband seized, it is directed that the petitioner shall appear before the learned Additional Sessions Judge, 4th Court-cum-Special Judge, (NDPS Act), Malda in the case arising out of Habibpur Police Station Case No. 86 of 2021 dated 21.03.2021 within 15 days from today. On his appearance and application for bail he shall be released on

bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.

4. Accordingly, the prayer for the anticipatory bail is allowed.
5. The application being **CRM (A) 2299 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Apurba Sinha Ray, J.)

