

25.07.2023
(D/L 25)
Ct. No.29
Allowed
(SKB)

CRM (A) 2643 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Gangarampur P.S. Case No.585 of 2022 dated 21.12.2022 under Sections 186/188/34 of the Indian Penal Code read with Sections 21(C)/22(C)/23(C)/27A/28/29 of the NDPS Act.

In the matter of : Sultan Ali and others

... Petitioners

Ms. Jeenia Rudra,
Mr. Megha Chanda

... for the petitioners

Ms. Anasuya Sinha,
Ms. Mayukhi Mitra

... for the State

1. Heard the learned Counsel for the parties.
2. The basis of implication of the present petitioners is stated to be the statement of co-accused Sultana Alam.
3. Learned counsel for the petitioners submits that there is no record of past criminal antecedent against the present petitioners.
4. The bar under Section 37 of the NDPS Act can be invoked only when the contraband has been seized from the conscious possession of an accused person. In the present case, it is fairly submitted at the Bar that no contraband has been seized from the conscious possession of the present petitioners.
5. Charge-sheet is stated to have been filed.

6. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of evidence and completion of investigation, it is directed that each of the petitioner shall surrender before the learned Additional District and Sessions Judge, 3rd Court, Balurghat, Dakshin Dinajpur in the Spl. Case No.104 of 2022 arising out of the aforesaid P.S. case within 15 days from today. On their surrender and application for bail, they shall be released on bail by the aforesaid Court on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition that each of the petitioner shall appear before the said court on each date of substantive hearing during trial subject to provision of Section 317 Cr.P.C.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being CRM(A) 2643 of 2023 is disposed of.
9. The learned court below is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)