

29.08.2023
D/L 80
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3458 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kaliachawk P. S. Case No.1134/2022 dated 05.10.2022 under Sections 22(c)/27A/29 of the NDPS Act.

And

In the matter of : Moajjem Sk. @ Mojjam

... Petitioner

Mr. Sandip Chakraborty,
Mr. Kaustav Das

... for the petitioner

Mr. Swapan Banerjee,
Mr. Aninda Sundar Chatterjee

... for the State

1. Heard learned Counsel for the parties.
2. The petitioner is the son of Kuddus Sk @ Abdul Kuddus who has already been released on anticipatory bail by this court vide order passed on 09.08.2023 in CRM(A) 2550 of 2023.
3. The present petitioner, though a resident of Mouza Srirampur under Kaiachawk P.S. in the district of Malda is not a resident of the spot house. We find that the petitioner is on similar footing with the aforesaid Kuddus Sk @ Abdul Kuddus.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of evidence and substantial progress in investigation, it is

directed that the petitioner shall be released on bail by the Arresting Officer in the event of his arrest in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions:

- i) The petitioner is directed to appear before the IO once in a week on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.
- ii) The petitioner shall not leave the jurisdiction of the aforesaid P.S. without obtaining prior leave from the IO during investigation.

- 5. Accordingly, the prayer for the anticipatory bail is allowed.
- 6. Within 21 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
- 7. The application being CRM(A) 3458 of 2023 is disposed of.
- 8. The concerned Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)