

31.08.2023
SL. 12
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3533 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Baishnabnagar** Police Station Case No. **18** of **2023** dated **08.01.2023** under Sections **21(c)/25/29** of the NDPS Act.

And

In the matter of: **Rubel Sk @ Rubel Sekh**

....petitioner.

Md. Wasim Akram

...for the petitioner.

Mr. Sanjoy Bardhan
Ms. Debjani Dasgupta

... for the State.

1. Heard learned Counsel for the parties.
2. It is fairly submitted at the Bar that the implication of the present accused petitioner with the alleged crime is the statement of the co-accused from whom contraband articles were seized.
3. In course of his submission, learned Counsel for the State, however, submits that there are two records of past criminal antecedent against the present accused petitioner. But the same do not relate to similar offence.
4. Charge-sheet is stated to have been filed in the meantime.
5. In view of the facts and circumstances as stated hereinabove, we are of the considered view that the present petitioner is successful in overcoming the rigors of Section 37 of the NDPS Act and is, accordingly, he is entitled to get a favourable order from this Court.
6. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation

and completion of investigation, it is directed that petitioner shall surrender before the learned Judge, Special Court (NDPS Act), Additional Sessions Judge, 4th Court, Malda in Special Case arising out of the aforesaid P.S. case within 15 days from today. On his appearance and application for bail petitioner shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition that petitioner shall appear before the learned Trial Court on each date of substantive hearing 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) 3533 of 2023** is disposed of.
9. Learned Judge, Special Court (NDPS Act), Additional District Judge, 4th Court, Malda is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

