

05.12.2023

SL. 6

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 3757 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Baishnabnagar** Police Station Case No. **1057 of 2022** dated **20.12.2022** under Sections **21(c)/25/29** of the NDPS Act.

And

In the matter of: **Deluyar Hossain @ Hosain @ Didaru**

....petitioner.

Mr. Pawan Kr. Gupta

Mr. Arnab Saha

...for the petitioner.

Mr. Antarikhya Basu

...for the State.

1. Heard learned Advocate for both the parties.
2. Admittedly the basis of implication of the present petitioner is the statement of the co-accused persons from whose possession the alleged contraband was seized. Besides the aforesaid material, there is another set of evidence to the effect that the petitioner had talked with both the co-accused preceding the relevant seizure by using the cell phone of his wife. It is, however, admitted at the Bar that the content of the call is not available. This is a matter to be decided at the time of trial.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation 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 that:
 - i) The petitioner is directed to appear before the I.O. once in a week on the day and time fixed by the

I.O. for the purpose of investigation till submission of F.F.

- ii) The petitioner shall not leave the jurisdiction of the P.S. without obtaining prior leave from the I.O. during investigation.

4. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
5. Within 21 days from today the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being **CRM (A) 3757 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

