

15.09.2023
45
as
[PARTLY
ALLOWED]

C. R. M. (A) 3842 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Raghunathganj Police Station Case No. 980 of 2022 dated 09.11.2022 under Sections 20(b)(ii)c/29 of the NDPS Act and charge sheet submitted under Sections 20(b)(ii)C/29 of the NDPS Act.

In Re: ***Abu Bakkar Siddique @ Raju Alam & Anr.***

... ... Petitioners

Md. Sabir Ahmed,
Mr. T. Ahmed,
Ms. Suman Biswas,
Mr. Dhiman Banerjee,
Mr. Soham Chakraborty.

... ... for the petitioners

Mr. Sanjoy Bardhan,
Ms. Debjani Dasgupta.

... ... for the State

1. Petitioners contend no narcotics was recovered from their possession. They have been falsely implicated. Investigation is complete. They pray for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail. He submits narcotics was recovered from a vehicle. Statements of villagers show petitioner No.1 was involved in narcotics trade. He has criminal antecedents.
3. We have considered the materials on record. Statements of witnesses show petitioner No.1 was involved in narcotics trade and has criminal antecedents.
4. Under such circumstances, we are inclined to grant anticipatory bail to him.
5. Hence, the prayer for anticipatory bail of the petitioner no.1 is rejected.

6. Keeping in mind the extent of complicity of the petitioner no.2 in the crime and as no statement apart from that of co-accused before police officer implicate him in the narcotics trade, we are inclined to grant anticipatory bail to him.

5. Accordingly, we direct that in the event of arrest, the petitioner No.2 viz., **Firoj Hossain** be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and he shall appear before the court below and pray for regular bail within four weeks from date.

6. The application for anticipatory bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)