

22.11.2023
SL. 14
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 4107 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Goalpokher** P.S. case No. **353 of 2019** dated **17.09.2019** under Sections **14A/14C** of the Foreigner Act read with Sections **21(b)/21(c)/23** of the NDPS Act arising out of NDPS Case No. **19 of 2019** pending before the learned Additional Sessions Judge, 1st Court cum Judge Special Court (NDPS Act), Raiganj, Uttar Dinajpur.

And

In the matter of: **Aitbaru @ Etwaru @ Rustum**

....petitioner.

Mr. Amit Roy

...for the petitioner.

Mr. Antarikhya Basu

...for the State.

1. Heard learned Counsel for both the parties.
2. On perusal of the entire materials of the C.D. it reveals that on completion of investigation it is found that offences under Section 14A and 14C of the Foreigner Act has been deleted at the time of filing of charge-sheet since it is found that the present petitioner is a resident of Uttar Dinajpur.
3. So far as the accusation of the present petitioner in respect of the offences under NDPS Act is concerned, we found that the basis of implication of the present accused petitioner is the statement of co-accused in course of investigation.
4. Regard being had to facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence and completion of investigation, it is directed that the petitioner shall surrender before the learned Additional Sessions Judge, 1st Court cum Judge Special Court (NDPS Act), Raiganj, Uttar Dinajpur within 15 days from today in the NDPS Case number arising out of aforesaid P.S. case. On his appearance and application for bail the

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:

- i) The petitioner shall appear before the learned Trial Court on each date of substantive hearing subject to the provision of Section 317 Cr.P.C.
5. The learned Additional Sessions Judge, 1st Court cum Judge Special Court (NDPS Act), Raiganj, Uttar Dinajpur is directed to act upon the server copy of this order, if required.
 6. Accordingly, the prayer for the anticipatory bail is allowed.
 7. The application being **CRM (A) 4107 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

