

12.10.2023
ML. 39
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 4128 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. **106 of 2023** dated **12.02.2023** under Sections **21(c)/25/29** of the NDPS Act.

And

In the matter of: **Maimul Hoque**

....petitioner.

Mr. Tapan Dutta Gupta
Mr. Parvej Anam

...for the petitioner.

Mr. Sanjib Kr. Dan

...for the State.

1. Heard learned Counsel for both the parties.
2. Perused the seizure list in respect of the alleged contraband wherefrom it reveals that the said alleged contraband was seized from the pond of the present petitioner. No materials could be placed before this Court on behalf of the prosecution that in the said pond there was no free access of the villagers and other persons except the present petitioner and his family members.
3. In considered view of this Court the present petitioner is successful in overcoming the rigors of Section 37 of the NDPS Act and accordingly, we are inclined to allow this prayer.
4. 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. twice 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. till submission of F.F.

5. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
6. Within 21 days from today the petitioner shall appear before the I.O. along with a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being CRM (A) 4128 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

