

20.11.2023
D/L 7
Ct. No.29
(Allowed)
(SKB)

CRM (A) 4244 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Baishnabnagar P. S. Case No. 355 of 2023 dated 30.05.2023 under Sections 21(c)/29 of the NDPS Act in NDPS Case No.69 of 2023.

In the matter of : Asim Sarkar

... Petitioner

Mr. Wasim Akram

... for the petitioner

Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan

... for the State

1. Heard learned advocates for the parties.
2. Admittedly, the basis of implication of the present accused petitioner is the statement of the co-accused from whom allegedly 287 bottles of phensedyl were recovered and there was telephonic conversation between the present petitioner and the apprehended accused person prior to the apprehension. Though it is alleged that the said commercial quantity of contraband articles seized from the motorcycle but the ownership of the motorcycle has not been ascertained as yet.
3. It is submitted on behalf of the petitioner that investigation has already been completed which has been disputed by learned counsel for the State.

4. Regard being had to such 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 Judge, Special Court, Additional District Judge, 3rd Court, Malda in the NDPS Case No.69 of 2023 arising out of the aforesaid P.S. case within 15 days from today. On his surrender and application for bail, he shall be released on bail by the aforesaid Court on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
5. He shall appear before the trial court on each date of substantive hearing subject to provision of Section 317 Cr.P.C.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The applications being CRM(A) 4244 of 2023 is disposed of.
8. The learned court below is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)