

22.11.2023
SL. 21
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 4377 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Patiram** P.S. case No. **20 of 2023** dated **08.02.2023** under Sections **21(C)/22(C)/23(C)/27A** of the NDPS Act arising out of NDPS Case No. **15 of 2023** pending before the learned Additional Sessions Judge, 3rd Court cum Judge Special Court (NDPS Act), Balurghat, Dakshin Dinajpur.

And

In the matter of: **Akherul Fakir**

....petitioner.

Ms. Busra Khatoon

...for the petitioner.

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

...for the State.

1. Heard learned Counsel for both the parties.
2. From the materials as placed before us it reveals that the basis of the implication of the present accused petitioner is the statement of the co-accused. It is fairly submitted at the Bar that nothing has been seized from his possession.
3. 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, 3rd Court cum Judge Special Court (NDPS Act), Balurghat, Dakshin Dinajpur within 15 days from today in the NDPS Case No. 15 of 2023 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.

4. The learned Additional Sessions Judge, 3rd Court cum Judge Special Court (NDPS Act), Balurghat, Dakshin Dinajpur is directed to act upon the server copy of this order, if required.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being **CRM (A) 4377 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

