

22.11.2023
SL. 28
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 4409 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **English Bazar** P.S. case No. **336 of 2023** dated **07.03.2023** under Sections **21(c)/29** of the NDPS Act arising out of NDPS Case No. **33 of 2023** pending before the learned Judge, Special Court (NDPS Act), 4th Court, Malda.

And

In the matter of: **Riyajul Sekh @ Riyas Shekh**

....petitioner.

Md. Wasim Akram

...for the petitioner.

Mr. Saryati Datta

...for the State.

1. Heard learned Counsel for both the parties.
2. It is fairly submitted at the Bar that the basis of implication of the present accused petitioner in the alleged crime is the statement of the co-accused and nothing has been seized from the conscious possession of the present accused petitioner. Investigation is stated to have been completed in the meantime.
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 Judge, Special Court (NDPS Act), 4th Court, Malda within 15 days from today in the NDPS Case No. 33 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 Judge, Special Court (NDPS Act), 4th Court, Malda 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) 4409 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

