

19.12.2023
(M/L 88)
Ct. No.29
(Allowed)
(SKB)

CRM (A) 4762 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with NDPS Case No.6 of 2021 dated 09.02.2021 under Sections 21(c)/23(c)/25/29 of the NDPS Act.

In the matter of : Md Salim

... Petitioner

Mr. Sandip Chakrabarty,
Mr. Arun Kumar Upaddhay,
Mr. Kaustav Das

... for the petitioner

Mr. K. K. Maiti,
Mr. Abhradip Maity

... for the Customs/respondent

1. Heard learned counsel for the parties.
2. The petitioner is stated to be the owner of the truck, which was transporting the alleged contraband along with 'dal' from Uttar Pradesh to Calcutta. On interception of the vehicle, 14980 bottles of phensedyl along with 833 bags of 'dal' was seized.
3. Though it is admitted position at the Bar that the basis of implication of the present petitioner is the statement of the co-accused driver, it is submitted by learned counsel for the State that the driver has implicated the present petitioner.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation and nature of evidence, it is directed that the

petitioner shall surrender before the learned Judge, Bench-I [NDPS Act], City Sessions Court, Calcutta arising out of the NDPS Case No.6 of 2021 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. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being CRM(A) 4762 of 2023 is disposed of.
7. The learned court below is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Ajay Kumar Gupta, J.)