

01.02.2023

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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (A) 746 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 08.12.2022 in connection with Phansidewa Police Station Case No. 439 of 2022 dated 03.10.2022 under Sections 20(b)(ii)(B)/22(b) of the NDPS Act.

In the matter of : Md. Ajad @ Md. Ajad Ali

... Petitioner

Mr. Sudip Guha

...for the Petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Aniruddha Biswas

.....for the State.

State has raised objection to the prayer for anticipatory bail of the petitioner on the ground of available materials in the case dairy.

The petitioner, on the other hand, has prayed for anticipatory bail pleading that there is no materials against him to oppose his anticipatory bail.

Heard learned counsel for the State and considered the case dairy.

It appears that the quantity of contraband articles is below the commercial quantity and also the same has not been recovered from the possession of the petitioner.

We do not find any sufficient reason to refuse the petitioner's prayer for anticipatory bail in this case.

Accordingly, CRM (A) 746 of 2022 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall comply with the conditions as stipulated in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioner, shall be released on bail upon furnishing a bond of Rs.5,000 (Rupees five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Siliguri and on further condition that the petitioner shall meet the Investigating Officer once in a fortnight still submission of charge sheet upon obtaining bail.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)