

30.01.2024

CRM (A) 23 of 2024

In re : An application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Bhagwangola Police Station Case No. 606 of 2023 dated 09.12.2023 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act.

-And-

In the matter of : Samim Sk @ Md Samim Reza

... ..petitioner

Ms. Soma Mal

Ms. Rabia Khatoon

Ms. June Modak

... .. for the petitioner

Mr. Avishek Sinha

... ...For the State

Report called for by the order dated January 22, 2024

filed in Court be taken on record.

Report does not demonstrate any nexus between the petitioner and the person arrested with commercial quantity of narcotics and/or seized commercial quantity of narcotics. Police are investigating the proceedings only on the basis of the statement of co-accused made while in custody.

In such circumstances, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Consequently we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further

condition that the petitioner shall report before the Investigating Officer once in a week till the conclusion of the investigation and on further condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is allowed.

Hence, the application for anticipatory bail is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)