

10.01.2024

Serial no. 39

Anticipatory bail

[Allowed]

Dd

CRM (A) 49 of 2024

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Hogalberia** Police Station Case No. **221** of **2023** dated **26.09.2023** under Sections **21(c)/29** of the NDPS Act, 1985. (NDPS Case No. 71 / 2023)*

-And-

*In the matter of : **Sadek Khan***

*... .. **Petitioner***

Mr. Asraf Mondal, Advocate

... .. For the Petitioner

Ms. Rituporna De Ghose, Advocate

... ..For the State

Two other co-accuseds were enlarged on anticipatory bail by an order dated December 19, 2023 passed in CRM(A) 4760 of 2023.

Claim for parity is not being disputed on behalf of the State.

No recovery was made from the possession of the petitioner. Police are proceeding against the petitioner on the basis of the statements of the co-accuseds made while in custody.

Police, at this stage, are unable to demonstrate any nexus between the petitioner and the seized commercial quantity of narcotics or the co-accuseds.

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 fortnight 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**.

CRM (A) 49 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)