

02.02.2024

DL.27

Court No.29

(AD)

(Allowed)

C.R.M. (A) 173 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Patiram** Police Station Case No.**239 of 2023** dated **04.11.2023** under Sections **21(c)/22(c)/23(c)/27A** of the Narcotic Drugs and Psychotropic Substances Act (G.R. Case No.2223 of 2023 and NDPS Case No.87 of 2023).

And

In the matter of: **Kartik Barman @ Kartick Barman**

....petitioner.

Mr. Kaushik Choudhury

Ms. Busra Khatun

...for the petitioners.

Mr. Joydeep Roy

Ms. Sima Biswas

... for the State.

Report as called for by the order dated January 25, 2024 filed in Court be taken on record.

Police apparently are unable to demonstrate at this stage any nexus between the petitioner and the person arrested with the commercial quantity of narcotics and/or seized commercial quantity of narcotics.

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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer once a week till the

conclusion of the investigation and on 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 173 of 2024 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)