

13.02.2024

Serial no. 127

Anticipatory bail

Partly allowed

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CRM (A) 254 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 NDPS Act, 1985*

-And-

In the matter of : **Tarikul Islam @ Titan Sk & Ors.**
... ..**Petitioners**

Ms. June Modak, Advocate
... .. For the Petitioners

Mr. Saibal Bapuli, APP
Ms. Purnima Ghosh, Advocates
... ...For the State

Report as called for by the order dated January 30, 2024 filed in Court be taken on record. Report suggests that there are call details recording of conversation between the petitioner nos. 1 and 2 and the person arrested with the commercial quantity of narcotics.

So far as the petitioner no. 3 is concerned, apparently, police are proceeding on the basis of the statement of the co-accused made while in custody.

In such circumstances, we are unable to grant anticipatory bail to petitioner no. 1 (Tarikul Islam @ Titan Sk) and petitioner no. 2 (Rakesh Sk @ Akash Sk).

So far as the petitioner no. 3 is concerned, we are of the view that the petitioner no. 3 is able to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Consequently, we grant anticipatory bail to petitioner no. 3 (Dilbar Sk @ Dilwar Sk).

Accordingly, we direct that in the event of arrest the petitioner no. 3 (Dilbar Sk @ Dilwar Sk) 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 no. 3 (Dilbar Sk @ Dilwar Sk) shall report before the Investigating Officer once in a week till the conclusion of the investigation and on further condition that the such 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 such petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner no. 3 (Dilbar Sk @ Dilwar Sk) is **allowed**.

Prayer for anticipatory bail of petitioner no. 1 (Tarikul Islam @ Titan Sk) and petitioner no. 2 (Rakesh Sk @ Akash Sk) is **rejected**.

CRM (A) 254 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)