

06.02.2024

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Ct. No. 29

S.D.

Allowed

C.R.M.(A) 301 of 2024

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Berhampore Court GRPS** Police Station Case No. **08 of 2023** dated **13.10.2023** under Sections **21(c)/29** of the NDPS Act, 1985 in connection with NDPS Case No. 101/2023 under NDPS Act.

And

In Re : Milan Seikh @ Milon Sk.

..... petitioner

Ms. Chandrima Debnath

...for the petitioner

Mr. Binay Panda

Mr. Subham Kanti Bhakat

...for the State

Report as called for by the order dated February 1, 2024 filed in Court is taken on record.

Report does not speak of any nexus between the petitioner and the person arrested with the commercial quantity of narcotics and or the seized commercial quantity of narcotics.

Apparently, police are proceeding against one person of the same name as that of the petitioner herein. However, such person apparently is a resident of a different place.

In view of the fact that police are unable to establish any nexus between the petitioner and the commercial quantity of narcotics seized and or the arrested person, we are of the view

that the petitioner is able to overcome the restrictions under Section 37 of the N.D.P.S. 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/-, 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. The petitioner will report before the Investigating Officer once a fortnight till the conclusion of the investigation. 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

