

19.02.2024

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Ct. No. 29

S.D.

Allowed

C.R.M.(A) 414 of 2024

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hili** Police Station Case No. **31 of 2023** dated **06.02.2023** under Sections **186/188/353/379/411/307** of the Indian Penal Code read with Section 21(c)/22(c)/23(c)/27A of the N.D.P.S. Act.

And

In Re : **Sayan Das & Anr.**

..... petitioners

Mr. Kaushik Choudhury

Ms. Busra Khatun

...for the petitioners

Ms. Debjani Sahu

...for the State

Police filed charge sheet.

Apparently, police are proceeding on the basis of a statement of co-accused made while in custody.

Consequently, we are of view that the petitioners are able to overcome the restrictions under Section 37 of the N.D.P.S. Act, 1985.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 petitioners 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 petitioners 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.)