

19.02.2024
Item No.112
Ct. No. 29
CHC
Allowed

C.R.M.(A) 426 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Balurghat** Police Station Case No. **260** of **2023** dated **05.04.2023** under Sections **21(c)/22(c)/23(c)/27A/28/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Arup Chakraborty @ Bhudlu Chakraborty
..... petitioner

Mr. Kaushik Choudhury,
Ms. Busra Khatun
....for the petitioner

Mr. Angshuman Chakraborty
....for the State

Report as called for by the order dated February 13, 2024
filed in Court be taken on record.

Apparently, police are unable to demonstrate any nexus between the petitioner and the person arrested with the commercial quantity of narcotics and/or seized commercial quantity of narcotics.

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

In such circumstances, we are of the view that, 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/- (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 will report before the Investigating Officer once in a week till the conclusion of 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.

This application for anticipatory bail is, thus, allowed.

CRM(A) 426 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)