

13.02.2024

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Ct. No. 29

S.D.

Allowed

C.R.M.(A) 464 of 2024

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachawk** Police Station Case No. **264 of 2023** dated **06.03.2023** under Sections **21(c)/29/27A** of the N.D.P.S. Act, 1985.

And

In Re : Nobi Sk @ Yusuf Sk

..... petitioners

Mr. Krishnendu Bhattacharya

Mr. Priyankar Ganguly

Ms. Neelanjana Ghorui

Ms. Sarmistha Basak

...for the petitioner

Mr. Dipankar Paramanik

...for the State

Police filed charge sheet.

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

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

In such circumstance, we are of view that petitioner is able to overcome the restrictions of Section 37 of the N.D.P.S. Act.

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 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.)