

01.03.2024
DL-23
Court No.29
(AD)
(Allowed)

C.R.M. (A) 497 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No.13 of 2024 dated **03.01.2024** under Sections **21(C)/27A/29** of the Narcotic Drugs and Psychotropic Substances Act.(Special Case No.6 of 2024).

And

In the matter of: **Nesarul Mia @ Nesarul Hoque**

....petitioner.

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

...for the petitioner.

Mr. Madhusudan Sur, Ld. APP
Sk. Arif Hossain

... for the State.

Report as called for by the order dated February 20, 2024
filed in Court be taken on record.

Report does not show any nexus, at this stage, between the
petitioner and the person arrested with the commercial quantity of
narcotics and/or seized commercial quantity of narcotics.

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

In such circumstances, we are of the view that the petitioner
is able to overcome the restrictions under Section 37 of the NDPS
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 subject
to the conditions as laid down under Section 438(2) of the Code of
Criminal Procedure, 1973 and on condition that the petitioner will
report before the Investigating Officer once a week till the

conclusion of the 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 497 of 2024 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)