

13.02.2024

DL-84

Court No.29

(AD)

(Allowed)

C.R.M. (A) 489 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Balurgaht** Police Station Case No. **340 of 2023** dated **29.04.2023** under Sections **21(c)/22(c)/23(c)/27A/28/29** of the Narcotic Drugs and Psychotropic Substances Act, (NDPS Case No.38 of 2023).

And

In the matter of: **Sujen Barman**

....petitioner.

Mr. Kaushik Choudhury

Ms. Busra Khatun

...for the petitioner.

Mr. Saibal Bapuli, Ld. APP

Ms. Debjani Dasgupta

...for the State.

Police apparently rely upon statement of a Pradhan of a Gram Panchayat claiming that the petitioner is involved in the incident, apart from statement of the co-accused.

Gram Panchayat Pradhan did not witness the incident.

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

Police filed charge sheet.

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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 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.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 489 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)