

21.02.2024
Item No.11
Ct. No. 29
CHC
Allowed

C.R.M.(A) 567 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hili** Police Station Case No. **138** of **2023** dated **13.08.2023** under Sections **21(c)/22(c)/23(c)/27A** of the Narcotic Drugs and Psychotropic Substances Act, 1985 and charge sheet has been submitted being Charge Sheet No.225 of 2023 dated 31.12.2023 under Sections **21(C)/22(C)/23(C)/27A** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : Anowar Hossain

..... petitioner

Mr. Kaushik Choudhury,
Ms. Busra Khatun

....for the petitioner

Mr. Sudip Ghosh,
Mr. Arif Ekbal Molla

....for the State

Petitioner prays for anticipatory bail.

Claim for parity with the other co-accused who were enlarged on anticipatory bail by the order dated September 25, 2023 passed in C.R.M.(A) 3893 of 2023 and order dated November 22, 2023 passed in C.R.M.(A) 4490 of 2023 is not being disputed on behalf of the State.

Police filed charge-sheet.

Petitioner is yet to be declared a proclaimed offender although, process was served.

Police apparently 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, 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 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) 567 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)