

07.03.2024

Item No.31

Ct. No. 29

CHC

Allowed

C.R.M.(A) 698 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gangarampur** Police Station Case No. **592** of **2023** dated **23.12.2023** under Sections **21(c)/22(c)/23(c)/27A/28/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Jamirul Islam & anr.

..... petitioners

Mr. Kaushik Choudhury,

Ms. Busra Khatun

....for the petitioners

Mr. Ranabir Roy Chowdhury,

Mr. Goutam Wilson

....for the State

Report as called for by the order dated February 29, 2024 filed in Court be taken on record.

Police at this stage are unable to establish any nexus between the petitioners and the person arrested with commercial quantity of narcotics and/or seized commercial quantity of narcotics.

Police are proceeding on the basis of the statement of the co-accused made while in custody.

In such circumstances, we are of the view that, the petitioners are able to overcome the restrictions under Section 37 of the N.D.P.S. Act, 1985.

Consequently, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of

Rs.10,000/- (Rupees Ten Thousand only) each, 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 petitioners will report before the Investigating Officer once in a week till the conclusion of investigation and on condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 698 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)