

13.03.2024

Serial no. 33
Anticipatory Bail
[Allowed]
Dd

CRM (A) 755 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. **250** of **2023** dated **09.12.2023** under Sections **21(c)/22(c)/23(c)/27(A)** of the NDPS Act, 1985 pending before **Ld. Special Judge (under NDPS Act)-cum- ADJ, 3rd Court, Balurghat, Dakshin Dinajpur.***

-And-

In the matter of : **Suleman Mulla @ Saleman Ali Mondal & Anr.**

... .. Petitioners

*Mr. Kaushik Choudhury,
Ms. Busra Khatoon, Advocates
... .. For the Petitioners*

*Mr. Arijnit Ganguly,
Mr. Subrato Roy, Advocate
... ..For the State*

Report as called for by the order dated March 5, 2024 filed in Court be taken on record.

Report does not demonstrate any nexus between the petitioners, at this stage, and the commercial quantity of narcotics seized and/or the person arrested. Police, apparently, are proceeding on the basis of the statements 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 NDPS 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 shall report before the Investigating Officer once in a week till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioners is **allowed**.

CRM (A) 755 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)