

24.04.2024

DL-41
Court No.29
(AD)
(Partly
Allowed)

C.R.M. (A) 839 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, now pending before the Learned Special Judge (under NDPS Act)-cum-ADJ, 3rd Court, Balurghat, Dakshin Dinajpur (NDPS Case No.3 of 2024).

And

In the matter of: **Muzammel Miah @ Mojammel Hoque @ Majammel Hoque & Anr.**

....petitioners.

Mr. Kaushik Choudhury
Ms. Busra Khatun

...for the petitioners.

Ms. Subhasree Patel ... for the State.

1. Report as called for by the order dated March 8, 2024 filed in Court be taken on record.
2. The report states that, there are three criminal antecedents so far as the petitioner no.1 (Muzammel Miah @ Mojammel Hoque @ Majammel Hoque) is concerned. All the three police cases involved in NDPS Act, 1985.
3. Considering such criminal antecedents of the petitioner no.1, we are unable to grant anticipatory bail to him.
4. Accordingly, the prayer for anticipatory bail of the petitioner no.1 (Muzammel Miah @ Mojammel Hoque @ Majammel Hoque) is rejected.
5. So far as the second petitioner (Aianal Miah @ Aynal Miya) is concerned, the report states that, the police are proceeding on the basis of the statement of the co-accused made while in custody.
6. In such circumstances, we are of the view that the petitioner no.2 is able to overcome the restrictions under Section 37 of

the NDPS Act, 1985.

7. Consequently, we are inclined to grant anticipatory bail to the petitioner no.2 (Aianal Miah @ Aynal Miya).
8. Accordingly, we direct that in the event of arrest, the petitioner no.2 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 no.2 will report before the Investigating Officer once a week till the conclusion of the investigation and on condition that the petitioner no.2 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 no.2 in Court including cancelling the anticipatory bail granted without further reference to this Court.
9. Accordingly, the prayer for anticipatory bail of the petitioner no.2 (Aianal Miah @ Aynal Miya) is allowed.
10. **C.R.M. (A) 839 of 2024** is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)