

11.03.2024
Item No.22
Ct. No. 29
CHC
Allowed

C.R.M.(A) 858 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hingalganj** Police Station Case No. **232** of **2023** dated **18.10.2023** under Sections **21(c)/27** of the NDPS Act and Sections **14A(b)/14C** of Foreigners Act.

And

In the matter of : Girendra Biswas @ Gireen Biswas
..... petitioner

Mr. Kallol Kr. Basu,
Md. Jannat ul Firdous
....for the petitioner

Mr. Bitasok Banerjee
....for the State

Leave granted to correct the cause-title.

Police filed charge-sheet.

Apparently, police are proceeding on the basis of the statement of the co-accused made while in custody. At this stage, police are unable to demonstrate any nexus between the petitioner and the person arrested with the commercial quantity of narcotics and /or seized commercial quantity of narcotics.

In such circumstances, we are of the view that, the 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) 858 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)