

13.03.2024
Item No.2
Ct. No. 29
CHC
Allowed

C.R.M.(A) 876 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with NDPS no.67 of 2023 arising out of **Patiram** Police Station Case No. **190** of **2023** dated **13.09.2023** under Sections **21(c)/ 22(c)/ 23(c)/ 27(A)** of the Narcotics Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : Habibur @ Rahaman @ Ali @ Habul & anr.
..... petitioners

Ms. Jeenia Rudra
....for the petitioners

Mr. Binay Panda,
Mr. Subham Bhakat
....for the State

Petitioners pray for anticipatory bail.

Police filed charge-sheet.

Police at this stage are proceeding against the petitioners on the basis of the statement of the co-accused made while in custody. Police at this stage are unable to demonstrate any nexus between the petitioners and the persons arrested with the commercial quantity of narcotics and/or seized commercial quantity of narcotics.

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 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) 876 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)