

19.04.2024

DL-1
Court No.29
(AD)
(Allowed)

C.R.M. (A) 946 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Azimganj G.R.P.S.** Case No.**29 of 2023** dated **18.12.2023** under Sections **21(b)/29** of the Narcotic Drugs & Psychotropic Substances Act, 1985, presently pending before the Court of the Learned Additional District & Sessions Judge, 2nd Court, Berhampore, District-Murshidabad being the Learned Judge, Special Court under the NDPS Act, Berhampore, District-Murshidabad. (NDPS Case No.128 of 2023).

And

In the matter of: **Najibul Hoque**

....petitioner.

Mr. Shibaji Kumar Das
Ms. Sayani Pan

...for the petitioner.

Mr. Saumik Ganguly

... for the State.

1. The order dated March 19, 2024 is mentioned.
2. Learned Advocate appearing for the petitioner submits that, in the order dated March 19, 2024 it went down incorrectly that the application was made returnable on May 28, 2024 while actually it was made returnable on March 28, 2024.
3. State is represented.
4. Learned Advocate appearing for the State does not object to the correction to be made in the order dated March 19, 2024, as prayed for. He, however, draws the attention of the Court to the materials in the case diary and the nexus between the petitioner and/or seized intermediate quantity of narcotics.
5. The order dated March 19, 2024 is corrected, as prayed for. The returnable date 'May 28, 2024' be replaced with 'March 28, 2024'.
6. Department will incorporate such correction in the order dated March 19, 2024.
7. Intermediate quantity of narcotics was seized from the

possession of the co-accused. Police are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody. There are apparently call details recording between the petitioner and the person who was arrested.

8. Considering the fact that intermediate quantity of narcotics is involved and considering the fact that apart from call details records, no other substantial evidence at this stage, is available as against the accused and considering the fact that the co-accused is on bail, we deem it appropriate to grant anticipatory bail to the petitioner.
9. 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer once a week till the conclusion of the investigation 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.
10. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

11. **C.R.M. (A) 946 of 2024** is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)