

C.R.M. (A) 995 of 2024

21.03.2024
DL-23
Court No.29
(AD)
(Allowed)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Patiram** Police Station Case No.**44 of 2023** dated **05.03.2023** under Sections **21(c)/22(c)/23(c)/27A** of the Narcotic Drugs and Psychotropic Substances Act, 1985, and charge sheet has been submitted being Charge Sheet No.6 of 2024 dated 19.01.2024 under Sections **21(c)/22(c)/23(c)/27A** of the Narcotic Drugs and Psychotropic Substances Act, 1985, now pending in the Court of the Additional District and Sessions Judge, 3rd Court, Special Judge under NDPS Act, Dakshin Dinajpur at Balurghat. (NDPS Case No.24 of 2023)

And

In the matter of: **Gopal Rajjak @ Gopal Rajak & Anr.**

....petitioners

Mr. Kaushik Choudhury
Ms. Busra Khatoon

...for the petitioners.

Md. Kutubuddin

... for the State.

Police filed charge sheet.

Apparently, police rely on two statements of neighbours to claim that the petitioners are involved in narcotic business. Such neighbours, however, do not claim that they saw the petitioners before us with the commercial quantity of narcotics seized or with the co-accused who was arrested with the commercial quantity of narcotics.

Apparently, police are proceeding on the basis of the statement 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 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.

The prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 995 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)