

22.03.2024

Serial no. 13
(Anticipatory bail)
(Allowed)
(Dd)

CRM (A) 1022 of 2024

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Hili** Police Station Case No. **30** of **2023** dated **05.02.2023** under Sections **21(c)/22(c)/23(c)/27A** of the NDPS Act, 1985 pending before Learned Special Judge (under NDPS Act) cum-ADJ, 3rd Court, Balurghat, Dakshin Dinajpur.*

-And-

In the matter of : **Hriday Sardar**

... .. Petitioner

*Mr. Kaushik Chaudhury,
Ms. Busra Khatoon, Advocates
... .. For the Petitioner*

*Mr. Anindya Sundar Chatterjee, Advocate
... ..For the State*

Police filed charge sheet.

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 the seized commercial quantity of narcotics apart from the statements of the co-accuseds made while in custody.

In such circumstances, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Consequently, we are inclined to 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 further 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.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 1022 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)