

29.08.2024

Court No.29

Item No.12

Allowed

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CRM (A) 1049 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Patiram Police Station Case No. 191 of 2023 dated 14.09.2023 corresponding to NDPS Case No. 69 of 2023 under Sections 21(C)/22(C)/23(C)/27A of the Narcotic Drugs Psychotropic Substances Act. 1985.

And

In Re: **Kishore Chowhan @ Kishore**

Petitioner

Mr. Kaushik Chaudhury

Ms. Busra Khatun

For the Petitioner

Mr. Atif Ahmed Siddiqui

For the State

1. Heard the learned counsel appearing for the parties.
2. In view of the submission of the State that the name of the petitioner transpired from the statement of one of the co-accused in police custody and is also affirmed by the materials on case diary, we are of the view that the petitioner is able to rebut the presumption under Section 37 of the NDPS Act.
3. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Kishore Chowhan @ Kishore** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall meet the I.O once in a week till the submission of the final report and shall not leave the jurisdiction of Patiram police station without the leave of the I.O till the

submission of the final report and on further condition that the petitioner shall appear before the learned Special Court (under NDPS Act)- cum- ADJ, 3rd Court, Dakshin Dinajpur at Balurghat, within two weeks from date in connection with NDPS Case No. 69 of 2023. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.

4. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar, J)