

22.04.2024
Item No.412
Ct. No. 29
CHC
Partly Allowed

C.R.M.(A) 1051 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gangarampur** Police Station Case No. **70** of **2024** dated **20.02.2024** under Sections **21(c)/22(c)/23(c)/27A/28/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985, pending in the Court of the Additional District and Sessions Judge, 3rd Court, Special Judge under NDPS Act, Dakshin Dinajpur at Balurghat.

And

In the matter of : Rafiquel Miya @ Rafiquel Miya & anr.

..... petitioners

Mr. Kaushik Choudhury,
Ms. Busra Khatun

....for the petitioners

Mr. Kunal Ganguly

....for the State

Report as called for by the order dated March 28, 2024 filed in Court be taken on record.

It appears from such report that, there are three police cases pending as against the petitioner no.1, namely, Rafiquel Miya @ Rafiquel Miya.

Considering such involvement of the petitioner no.1, namely, Rafiquel Miya @ Rafiquel Miya, we are of the view that, petitioner no.1, namely, Rafiquel Miya @ Rafiquel Miya is unable to overcome the restrictions under Section 37 of the N.D.P.S. Act, 1985.

Consequently, we are unable to grant anticipatory bail to the petitioner no.1, namely, Rafiquel Miya @ Rafiquel Miya.

So far as the petitioner no.2, namely, Golam Mostafa @ Mostafa Islam is concerned, it appears from the report that, police are proceeding against petitioner no.2, namely, Golam Mostafa @ Mostafa Islam on the basis of the statement of the co-accused made while in custody.

Consequently, we are of the view that, petitioner no.2, namely, Golam Mostafa @ Mostafa Islam is able to overcome the restrictions under Section 37 NDPS Act, 1985.

Consequently, we grant anticipatory bail to the petitioner no.2, namely, Golam Mostafa @ Mostafa Islam.

Accordingly, we direct that in the event of arrest the petitioner no.2, namely, Golam Mostafa @ Mostafa Islam 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 no.2, namely, Golam Mostafa @ Mostafa Islam will report before the Investigating Officer once in a week till the conclusion of investigation and on condition that the petitioner no.2, namely, Golam Mostafa @ Mostafa Islam 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 no.2, namely, Golam Mostafa @

Mostafa Islam in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 1051 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)