

09.04.2024
Item No.97
AD/SD
Court No.28
(Allowed)

C.R.M. (A) No. 1187 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **1581 of 2023** dated **15.12.2023** under Sections **21(C)/27A/29** of the NDPS Act pending before the Learned Additional District Judge, 3rd Court, Special Court, Malda. (Special Case No.114 of 2023)

And

In Re : Jabdul Mia

..... petitioner

Mr. Arup Kumar Bhowmick

.....for the petitioner

Mr. Bigtasok Banerjee

Mr. Sourat Nandy

....for the State

1. Petitioner submits no narcotic was recovered from his possession and he has been falsely implicated. He prays for anticipatory bail.
2. Learned Lawyer for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record. Complicity of petitioner has transpired from the statement of the co-accused before Police Officer which is inadmissible in evidence.
4. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act, 1985 and may be enlarged on anticipatory bail.
5. Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 condition that he shall appear before the jurisdictional Court and pray for regular bail within a period of four weeks from date.

6. The prayer for anticipatory bail of the petitioner is allowed.
7. **C.R.M. (A) No. 1187 of 2024** is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)