

19.04.2024
DL-13
Court No.29
(AD)
(Allowed)

C.R.M. (A) 1274 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bally Excise Circle, Howrah NDPS** Case T.R. No. **37 of 2023** dated **19.09.2023** under Sections **21(C)/22(C)/29** of the NDPS Act, in the Court of Learned Additional District & Sessions Judge, 3rd Court, Howrah.

And

In the matter of: **Vishal Shaw**

....petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

...for the petitioner.

Mr. Ashok Das

... for the State.

1. Police filed charge sheet.
2. Learned Advocate appearing for the State submits that the petitioner did not respond to the notices issued under Section 67 of the Act of 1985.
3. Police are proceeding on the basis of the statement of the co-accused made while in custody. At this stage, police are not in a position to demonstrate any other nexus between the petitioner and the person arrested with the commercial quantity of narcotics and/or seized commercial quantity of narcotics.
4. 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.
5. Consequently, we grant anticipatory bail to the petitioner.
6. 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on 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.

7. The prayer for anticipatory bail of the petitioner is allowed.
8. **C.R.M. (A) 1274 of 2024** is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)