

26.04.2024
19
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 1477 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Lalgola** Police Station Case No. **451** of **2023** dated **17.10.2023** under Sections **21(C)/29** of the N.D.P.S. Act pending before the learned Additional District & Sessions Judge, 2nd Court cum Judge Special Court under the N.D.P.S. Act at Berhampore, Murshidabad.

And

In Re : **Safar Ali**

..... petitioners

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

...for the petitioners

Mr. Soumik Ganguli
Mr. Mainak Gupta

...for the State

Police are proceeding against the petitioner on the basis of a statement of the co-accused made while in custody.

It has been submitted that nothing has been recovered from the possession of the petitioner.

Police filed charge sheet.

Police did not find any nexus between the petitioner and the person arrested with the commercial quantity of narcotics and the seized commercial quantity of articles.

In such circumstances, we are of the view that the petitioner has been able to overcome the restrictions under Section 37 of the N.D.P.S. Act, 1985.

Accordingly, we 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/-, 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. 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)