

01.05.2024

DL-22
Court No.29
(AD)
(Allowed)

C.R.M. (A) 1555 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 Narcotics Drugs and Psychotropic Substances Act, 1985, pending before the Learned Additional District Judge, 3rd Court, (Special Court), Malda. (Special Case No.114 of 2023).

And

In the matter of: **Shahajan Mia @ Sahajahan Miya & Anr.**

....petitioners.

Mr. Kalidas Saha
Ms. Mandira Mandal

...for the petitioners.

Mr. Manoranjan Mahata

... for the State.

1. Claim for parity with the co-accused who was enlarged on anticipatory bail by the order dated April 9, 2024 passed in CRM (A) 1187 of 2024 is not being disputed on behalf of the State.
2. In such circumstances, we are of the view that the petitioners are able to overcome the restrictions under Section 37 of the NDPS Act, 1985.
3. Consequently, we grant anticipatory bail to the petitioners.
4. Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners will report before the Investigating Officer once a week till the conclusion of the investigation and on condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

5. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
6. **C.R.M. (A) 1555 of 2024** is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)