

07.05.2024
DL-6
Court No.29
(AD)
(Allowed)

C.R.M. (A) 1575 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 Narcotic Drugs and Psychotropic Substances Act, 1985, pending before the Learned Additional District & Sessions Judge, 2nd Court-cum-Judge Special Court under the NDPS Act at Berhampore, Murshidabad. (NDPS Case No.103 of 2023)

And

In the matter of: **Habibur Sk. @ Habibur Rahaman**
....petitioner

Mr. Arnab Chatterjee
...for the petitioner.

Mr. Iqbal Kabir
Mr. Asraf Mandal
... for the State.

1. Police filed charge sheet.
2. Police at this stage are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody.
3. 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.
4. Consequently, we grant anticipatory bail to the petitioner.
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/- (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.

6. The prayer for anticipatory bail of the petitioner is allowed.
7. **C.R.M. (A) 1575 of 2024** is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)