

03.05.2024
Item No.16
Ct. No. 29
CHC
Allowed

C.R.M.(A) 1586 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gangarampur** Police Station Case No. **215** of **2023** dated **19.05.2023** under Sections **21(c)/22(c)/23(c)/28/29** of the Narcotics Drugs and Psychotropic Substances Act, 1985 and subsequently Charge Sheet has been submitted vide Charge Sheet No.48 of 2024 dated 24.02.2024 under Sections 21(c)/22(c)/23(c)/28/29 of the Narcotics Drugs and Psychotropic Substances Act, 1985, pending before the Learned Additional District & Sessions Judge, 3rd Court, Balurghat, Dakshin Dinajpur.

And

In the matter of : Saiful Ali @ Babu Miya & anr.

..... petitioners

Ms. Jeenia Rudra

....for the petitioners

Ms. Sujata Das,

Mr. Prakash Mishra

....for the State

Petitioners pray for anticipatory bail.

Police filed charge-sheet.

Police at this stage are unable to demonstrate nexus between the petitioners and the person arrested with commercial quantity of narcotics and/or seized commercial quantity of narcotics save and except statement of the co-accused made while in custody.

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

Consequently, we grant anticipatory bail to the petitioners.

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 also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 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.

This application for anticipatory bail is, thus, allowed.

CRM(A) 1586 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)