

07.05.2024

37
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 1611 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Rejinagar** Police Station Case No. **334** of **2023** dated **28.10.2023** under Sections **21(c)/29** of the N.D.P.S. Act, 1985 pending before the learned Judge, Special Court under N.D.P.S. Act, cum-ADJ, 5th Court, Berhampore, Murshidabad.

And

In Re : **Samim Sk @ Samaul Saikh**

..... petitioner

Mr. Abdul Aziz Mondal

...for the petitioner

Mr. Sudip Kumar

Ms. P. Priyadarshee

...for the State

Police filed charge sheet.

Apparently, police are proceeding against the petitioner 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 nexus between the petitioner and the seized commercial quantity of narcotics and the person arrested therewith apart from the statement of the co-accused made by him while in custody.

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

Consequently, 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.)