

21.05.2024
37
Ct. No. 03
S.D.
Allowed

C.R.M.(A) 1760 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 currently pending before the Court of the Judge, Special Court under N.D.P.S. Act, cum-ADJ, 5th Court, Berhampore, Murshidabad.

And

In Re : **Hasanuzzaman Shaikh** petitioner
Mr. A.H. Molla
Ms. Riya Das
...for the petitioner
Md. Anwar Hossain
Mr. M.F.A. Begg
...for the State

Claim of parity with the other co-accused who was enlarged on anticipatory bail by the order May 7, 2024 passed in C.R.M. (A) 1611 of 2024 is not being disputed on behalf of the State.

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.)