

22.05.2024

Serial no. 30
(Anticipatory bail)
(Allowed)
(Dd)

CRM (A) 1775 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 NDPS Act, 1985 before Learned Judge, Special Court under Narcotic Drugs and Psychotropic Substances Act cum-ADJ, 5th Court, Berhampore, Murshidabad.*

-And-

In the matter of : **Rajes Shaikh @ Rajes Sk**
... .. Petitioner

Mr. Abdul Aziz MOnDal, Advocate
... .. For the Petitioner

Mr. Pravas Bhattacharya,
Mr. Rajeshree Tah, Advocates
... ..For the State

Police filed charge sheet. Police apparently are proceeding on the basis of the statements of the co-accused made while in custody.

Police at this stage are unable to demonstrate any nexus between the petitioner and the person arrested with the commercial quantity of narcotics and/or the seized commercial quantity of narcotics.

In such circumstances, we are of the view that the petitioner is able to overcome the restrictions under Sections 37 of the NDPS Act, 1985.

Consequently, we are inclined to 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/- (Rupees Ten Thousand Only), 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 further 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.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 1775 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)