

24.05.2024

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Ct. No. 03

S.D.

Allowed

C.R.M.(A) 1819 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Palashipara** Police Station Case No. **312** of **2023** dated **09.10.2023** under Sections **21(c)/29** of the N.D.P.S. Act, 1985 pending before the learned Judge, Special Court, NDPS Act, Krishnagar.

And

In the matter of: **Habibul Sk**

.....petitioner

Ms. Piyu Mandal

...for the petitioner

Mr. Bibhaswan Bhattacharya

Ms. Jonaki Das

.... For the State

Police filed a charge sheet.

Police are proceeding against the petitioner on the basis of a statement of the co-accused made 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.)