

30-05-2024
s.d & b.r
Item no.51
Allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M (A) 1910 of 2024

Shafiqul Gazi @ Safikul Gazi
-vs-
The State of West Bengal

In Re: An application for anticipatory bail under **Section 438 CrPC** apprehending arrest in connection with Hingalganj P. S. Case No.19 of 2022 dated 06-02-2022 under Sections 20(b)/29 of the N.D.P.S Act, 1985 and sections 14/14C of the Foreigners Act

Mr. Angshuman Chakraborty
Mr. S. S. Saha

...for the petitioner.

Mr. Suman De
Ms. Sima Biswas

... for the State.

Learned advocate for the petitioner submits that the petitioner has been implicated in the instant case pursuant to the statement made by a co-accused and the police authorities under such belief have incorporated the name of the petitioner in the charge-sheet.

It has been further submitted that there was no recovery either from the possession of the present petitioner or from the house of the present petitioner.

Learned advocate for the State produces the case diary and submits that the petitioner had been evading the process of law for a considerable period of time.

We have considered the submissions advanced by both the parties. Having regard to the fact that the implication of the petitioner is simply because of his name having transpired from the statement of one of the co-accused, we are of the opinion that the custodial detention of the petitioner is unwarranted in the facts and circumstances of the present case.

As such, in the event of arrest, the petitioner shall be released on bail, upon furnishing bond of Rs.10,000/- (Rupees ten thousand only) with two sureties of like amount each, to the satisfaction of the arresting officer and on condition that he shall not tamper with the evidence of the case or intimidate the witnesses.

Further, the petitioner shall not leave the jurisdiction of Hingalganj Police Station without the permission of the Inspector-in-Charge of the concerned Police Station.

The aforesaid order of anticipatory bail are subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

The aforesaid order of anticipatory bail will be in operation for a period of sixty days from the date of this order. Subsequently, the Investigating Authorities/Prosecuting Authorities would be at liberty to exhaust harsher process of law.

With the aforesaid observations, CRM(A) 1910 of 2024 is allowed.

Urgent certified copy of this order, if applied for, be given to the parties after compliance of necessary formalities.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this court.

[Biswaroop Chowdhury, J.]

[Tirthankar Ghosh, J]

