

28.06.2024
SL No.15
Court No.29
(gc)
(Allowed)

CRM (A) 1997 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Rejinagar Police Station Case No.334 of 2023 dated 28.10.2023 under Sections 21(c)/29 of the NDPS Act.

And

In the matter of : **Munirul Haque @ Moni**

- Petitioner.

Mr. Jisan Iqubal Hossain

....For the Petitioner.

Mr. Atif Ahmed Siddiqui

... For the State.

1. The learned Counsel for the petitioner submits that name of the petitioner transpired on the basis of the statement of the co-accused while in custody and there is no nexus between the petitioner and the person arrested with the commercial quantity of narcotics.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail submits that the name of the petitioner transpired on the basis of the statement of the co-accused. However, it has been fairly submitted that the co-accused persons similarly placed as that of the present petitioner who have been released on anticipatory bail.
3. Claim on parity with the other co-accused who were enlarged on anticipatory bail by the orders dated 7th May, 2024 in CRM (A) 1611 of 2024, 21st May, 2024 in CRM (A) 1760 of 2024 and 22nd

May, 2024 in CRM (A) 1775 of 2024 is not being disputed on behalf of the State.

4. Under such circumstances, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act.
5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Munirul Haque @ Moni** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. It is further directed that the present accused petitioner shall appear before the learned Judge, Special Court under NDPS Act, Berhampore, Murshidabad in connection with NDPS Case No.110 of 2023 within two weeks from date and shall pray for regular bail.
6. It is further directed that the petitioner shall appear on every date of hearing before the learned Special Judge under NDPS Act on and from the date fixed for appearance of the accused and in default, the trial 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.
7. Accordingly, the application for anticipatory bail is disposed of.

8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)