

05.07.2024
Court No.29
Item No. 70

Allowed

sg

CRM (A) 2192 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Lalgola Police Station Case No. 239 of 2024 dated 01.04.2024 under Sections 21(C)/29 of the NDPS Act, pending before the learned Additional District Judge, 2nd Court-cum-Judge Special Court (under NDPS Act), Berhampore, Murshidabad.

And

In Re: **Kabir Ali @ Kabir Hossain @ Kuton**
Petitioner

Mr. Debapriya Samanta

For the Petitioner

Mr. Md. Adil Badr

Ms. Debjani Dasgupta

For the State

1. The learned Counsel for the petitioner submits that the petitioner is innocent and he is implicated on the basis of the statement of a co-accused in the police custody.
2. The learned Counsel for the State opposes the prayer for the anticipatory bail and submits that the name of the petitioner transpired during the recording of the statement of accused in custody.
3. Considering the fact that the name of the petitioner is transpired from the statement of the co-accused while in police custody, which is inadmissible in evidence and the petitioner is able to rebut the presumption under Section 37 of the NDPS Act and having regard to the fact that the petitioner has no criminal antecedent, we are of the view that custodial interrogation of the present petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest the petitioner namely, **Kabir Ali @ Kabir Hossain @ Kuton**, 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 Arresting Officer, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure and the petitioner shall meet the I.O. once in a week till the submission of the final report and the petitioner shall not leave the jurisdiction of Lalgola Police Station without the permission of the I.O. till the submission of the final report. The petitioner shall appear before the learned Additional District Judge, 2nd Court-cum-Judge Special Court (under NDPS Act), Berhampore, Murshidabad within two weeks from date.
5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
6. CRM (A) 2192 of 2024 is, thus, disposed of.
7. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)