

22.07.2024
SL No.24
Court No.29
(gc)
(Allowed)

CRM (A) 2429 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Lalgola Police Station Case No.621 of 2023 dated 28.12.2023 under Sections 21(C)/29 of the NDPS Act, 1985.

And

In the matter of : **Jamirul Islam @ Khokon**

- Petitioner.

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas,
Ms. Poulami Bose

....For the Petitioner.

Mr. Sujan Chatterjee

... For the State.

1. Considering the materials available in the case diary and the fact that the name of the petitioner transpired from the statement of the co-accused during police custody which is inadmissible evidence, we are of the view that the petitioner has been able to rebut the statutory presumptions under Section 37 of the NDPS Act. Moreover, the charge-sheet has already been filed. Thus, we are of the view that the custodial interrogation of the petitioner is not necessary.
2. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Jamirul Islam @ Khokon**, 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 Additional District & Sessions Judge, 2nd Court-cum-Judge, Special Court under the NDPS Act at Berhampore, Murshidabad in connection with NDPS Case No.2 of 2024 within two weeks from date.

3. 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.
4. Accordingly, the application for anticipatory bail is disposed of.
5. 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.)