

22.07.2024

Court No.29

Item No. 32

Allowed

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CRM (A) 2437 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Baishnabnagar Police Station Case No. 135 of 2023 dated 01.03.2023 corresponding to NDPS Case No. 35 of 2023 under Section 21c)/29of the Narcotics Drugs and Psychotropic Substances Act, 1985.

And

In Re: **Rabban Sk & Ors.**

Petitioners

Md. Wasim Akram

For the Petitioners

Mr. Sujoy Sarkar

For the State

1. Heard the learned counsel appearing for the parties.
2. In absence of any eye-witness to the recovery of the contraband items from the border area and prima facie, non-disclosure of any incriminating materials against the petitioners and having regard to the fact that the petitioners have no criminal antecedent and also the fact that charge-sheet has already been filed, we are of the view that the petitioners are able to rebut the presumption under Section 37 of the NDPS Act.
3. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Rabban Sk, Nurul Sk and Matibur Sk @ Matiur Rahaman** shall be released on bail upon furnishing a bond of Rs.10,000/-each, with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners shall meet the Investigating Officer once in a week or as and when called for till the submission of the final report and on further condition that the petitioners shall appear before the

learned Judge, Special Court, Additional District Judge 4th Court at Malda under NDPS Act, within two weeks from date and the petitioners shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. It is further ordered that the petitioners shall appear on every date before the aforesaid Court on and from the date fixed for appearance of the accused. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.

4. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
5. 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)