

Court No. 29
(266041)

CRM (A) 2575 of 2024

31.07.2024
(AD 30)
(S. Banerjee)

(Allowed)

In re: An application for anticipatory bail under Section 438 Cr.P.C., corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with NDPS Case No. 125/2023, arising out of Berhampore Police Station Case No. 1770 of 2023 dated 09.12.2023 under Sections 21(C)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, pending before the learned Judge, Special Court under NDPS Act cum Additional District Judge, 5th Court, Berhampore, Murshidabad.

And

In the matter of: Bablu Sk. @ Bablu Sekh

...petitioner

Mr. Tapodip Gupta

... for the petitioner

Ms. Sreyashee Biswas
Mr. Kaustav Banerjee

... for the State

1. Considering the fact that the name of the petitioner transpired from the statement of a co-accused in police custody and considering that the petitioner has no criminal antecedents, we are of the view that the petitioner has been able to refute presumption under Section 37 of the NDPS Act and hence we are inclined to grant anticipatory bail to the petitioner.
2. Accordingly, we direct that in the event of arrest, the petitioner 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,

corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

3. The petitioner shall meet the IO once in a week or as and when required and shall not leave the local police station without the permission of the IO except for the purpose of attending the court.
4. It is further directed that all of the petitioner shall appear before the learned Judge, Special Court under NDPS Act cum Additional District Judge, 5th Court, Berhampore, Murshidabad within two weeks.
5. It is further directed that the petitioner shall appear on every date before the jurisdictional court on and from the date fixed for appearance of the accused and in default the jurisdictional court will pass appropriate order to secure presence of the petitioner in court including canceling the anticipatory bail granted without further reference to this court.
6. Accordingly, the application for anticipatory bail is allowed.
7. All parties shall act on the server copy of this order duly downloaded from the official website of this court.

(Uday Kumar, J.)

(Soumen Sen, J.)