

01.08.2024
SL No.15
Court No.29
(gc)
(Allowed)

CRM (A) 2592 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of BNSS, 2023 filed in connection with Patiram Police Station Case No.151 of 2024, dated 03.06.2024 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act.

And

In the matter of : **Mostak Sarkar @ Hadho**

- Petitioner.

Mr. Kaushik Choudhury,

Ms. Busra Khatun

....For the Petitioner.

Mr. Pravas Bhattacharya,

Ms. Ankita Pal

... 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 and this fact has not been disputed by the State, 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, **Mostak Sarkar @ Hadho**, 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 corresponding to Section 482(2) of the BNSS, 2023. It is directed that the petitioner shall not leave the district Dakshin Dinajpur except for the purpose of attending the Court.

3. It is further directed that the present accused petitioner shall appear before the learned Judge, Special Court under the NDPS Act-cum-ADJ, 3rd Court, Dakshin Dinajpur at Balurghat in connection with NDPS Case No.25 of 2024 within two weeks from date.
4. 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.
5. Accordingly, the application for anticipatory bail is disposed of.
6. 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.)