

06.08.2024
Court No.29
Item No. 31

Allowed

sg

CRM (A) 2651 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Kaliachak Police Station Case No. 1508 of 2023 dated 23.11.2023 under Sections 21(C)/27A/29 of the NDPS Act, pending before the learned Additional District Judge, 3rd Court, Special Court, Malda.

And

In Re: **Sarif Khan**

Petitioner

Mr. Amitabha Karmakar
Mr. Arup Kr. Bhowmick

For the Petitioner

Mr. Ashok Das

For the State

1. Claiming parity with the co-accused persons, who have been granted anticipatory bail by the coordinate Benches from time to time, a prayer for anticipatory bail is made.
2. The said prayer is not opposed by the learned Counsel for the State.
3. Under such circumstances, we are of the view that the custodial interrogation of the present petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest, the present petitioner, namely, **Sarif Khan**, 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 Bharatiya Nagarik Suraksha Sanhita.

5. It is further directed that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever or commit similar offences in future.
6. In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
7. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
8. 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.)