

06.08.2024
Court No.29
Item No. 33

Allowed

sg

CRM (A) 2653 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. 1383 of 2023 dated 20.10.2023 under Sections 21(c)/27A/29 of the NDPS Act, pending before the learned Judge Special, 4th Court, Malda.

And

In Re: **Hajikul Sk @ Md Sohorab Ali**

Petitioner

Mr. Santanu Talukder
Mr. Priyankar Ganguly
Ms. Shalini Bairagi

For the Petitioner

Ms. Arani Bhattahcarya

For the State

1. Considering the fact that the name of the petitioner transpired from the statement of one of the co-accused during police custody, the petitioner is able to rebut the presumption of Section 37 of the NDPS Act and we are of the view that custodial interrogation of the present petitioner is not necessary.
2. Accordingly, we direct that in the event of arrest, the present petitioner, namely, **Hajikul Sk @ Md Sohorab**, 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.

3. It is further directed that the petitioner shall appear before the trial court within two weeks from date and thereafter 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.
4. 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.
5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
6. 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.)