

06.08.2024
SL No.61
Court No.29
(gc)
(Allowed)

CRM (A) 2681 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the BNSS, 2023 filed in connection with Goalpokher Police Station Case No.643 of 2023 dated 27.11.2023 under Sections 21(c)/29 of the NDPS Act.

And

In the matter of : **Nijamuddin**

- Petitioner.

Mr. Navanil De,
Mr. Srinjan Ghosh

....For the Petitioner.

Mr. Sujoy Sarkar

... 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, **Nijamuddin**, 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.

3. It is further directed that the petitioner shall appear before the learned Additional District and Sessions Judge cum Judge (NDPS Act), 1st Court at Raiganj, Uttar Dinajpur in connection with Special NDPS Case No.39 of 2023 within two weeks from date.
4. It is further directed that the petitioner shall appear on each and 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.)