

02.09.2024
A-50
Court No.29
TN
(Allowed)

CRM (A) 3016 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Kaliachak Police Station Case No.13 of 2024 dated 03.01.2024 under Sections 21(c)/27A and 29 of the NDPS Act, 1985.

And

In the matter of: **Jamirul Islam @ Sk**

.... petitioner

Md. Wasim Akram

....for the petitioner

Ms. Subhasree Patel,
Mr. Aslam Parvez

....for the State

1. Heard the learned counsel for the parties.
2. Considering the materials available in the case diary and having regard to the fact that the name of the petitioner transpired from the statement of a co-accused during police custody, the petitioner is able to rebut the statutory presumption under Section 37 of the NDPS Act, we are of the view that custodial interrogation of the petitioner is not necessary.
3. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Jamirul Islam @ Sk** 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.

4. The petitioner shall meet the Investigating Officer (IO) once in a week till submission of the final report. The petitioner shall not leave the District Malda without the permission of the IO.
5. It is further directed that the present accused petitioner shall appear before the learned Judge, Special Court, Malda, under NDPS Act, Additional District Judge, Third Court, Malda within two weeks from date and pray for regular bail.
6. Accordingly, the application for anticipatory bail is disposed of.
7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Shampa Dutt (Paul), J.)