

03.09.2024
AD-49
Court No.29
TN
(Allowed)

CRM (A) 3038 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.1508 of 2023 dated 23.11.2023 under Sections 21(c)/27A/29 of the NDPS Act, 1985.

And

In the matter of: **Samim Khan @ Samim Sk**

.... petitioner

Ms. Shalini Bairagi,
Mr. Priyankar Ganguly

....for the petitioner

Mr. Pravas Bhattacharya,
Ms. Pinki Sarkar

....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, 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, **Samim Khan @ Samim 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. It is further directed that the present accused petitioner shall appear before the learned Judge, Special Court, Additional District Judge, Third Court, Malda within two weeks from date.
5. It is further directed that the petitioner shall appear each and every date of hearing before the jurisdictional court on and from the date fixed for appearance of the accused and in default the jurisdictional court will pass appropriate order to secure presence of the petitioner in court including cancelling the anticipatory bail granted without further reference to this court.
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.)