

05.09.2024

Court No.29

Item No.23

Allowed

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CRM (A) 3088 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Burwan Police Station Case No. 104 of 2024 dated 26.02.2024 corresponding to NDPS Case No. 18 of 2024 under Sections 22(c) /29 of the Narcotic Drugs Psychotropic Substances Act. 1985.

And

In Re: **Asadul Sekh @ Ashadul Sekh @ Masedul Sk**
Petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

For the Petitioner

Mr. Madhusudan Sur, Ld. APP
Ms. Kanchan Roy

For the State

1. Heard the learned counsel appearing for the parties.
2. In view of the submission of the State that the name of the petitioner transpired from the statement of one of the co-accused in police custody and is also affirmed by the materials on case diary, we are of the view that the petitioner is able to rebut the presumption under Section 37 of the NDPS Act.
3. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Asadul Sekh @ Ashadul Sekh @ Masedul 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, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 482(2) of the BNSS, 2023. The petitioner shall meet the I.O once in a week till the submission of the final report and shall not leave the

jurisdiction of Burwan police station without the leave of the I.O till the submission of the final report and on further condition that the petitioner shall appear before the **learned Additional District & Sessions Judge, 2nd Court cum Judge Special Court under NDPS Act, Berhampore, Murshidabad**, within two weeks from date in connection with **NDPS Case No. 18 of 2024**. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.

4. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Shampa Dutt (Paul), J)