

10.09.2024  
Court No.29  
Item No. 35

Allowed  
sg

### CRM (A) 3186 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 Baishnabnagar Police Station Case No. 37 of 2024 dated 11.01.2024 under Sections 21(c)/29 of the NDPS Act, pending before the learned Judge, Special Court, Additional District Judge, 3<sup>rd</sup> Court at Malda.

And

In Re: **Rabban Sekh @ Sk.**

Petitioner

Md. Wasim Akram

For the Petitioner

Mr. S.S. Imam

Md. Kutubuddin

For the State

1. We have heard the learned counsel for the parties.
2. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of alleged offence and that the name of the petitioner transpired from the statement of a co-accused in police custody and in view of the fact that the charge sheet has already been filed, we are of the view that custodial interrogation of the present petitioner is not necessary.
3. Accordingly, we direct that in the event of arrest the petitioner namely, **Rabbin Sekh @ 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 learned Judge, Special Court, Additional District Judge, 3<sup>rd</sup> Court at Malda, under NDPS Act, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure

corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, subject to further condition that the petitioner shall not leave the jurisdiction of District Malda without the permission of the learned Trial Court and the petitioner shall appear before the trial court on each and every date of hearing until further orders.

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 any 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.)**

**(Prasenjit Biswas J.)**