

17.09.2024

Court No.29

Item No.37

Allowed

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CRM (A) 3311 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Domkal Police Station Case No. 378 of 2023 dated 08.06.2023 corresponding to NDPS Case No. 70 of 2023 under Sections 21(b)//29 of the Narcotic Drugs Psychotropic Substances Act. 1985.

And

In Re: **Selim Sk**

Petitioner

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

For the Petitioner

Mr. Iqbal Kabir
Mr. Sharequl Haque

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 inasmuch as the petitioner has no criminal antecedent, 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, **Selim 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 Domkal 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 Judge, 5th Court, at Berhampore, Murshidabad, under NDPS Act, within two weeks from date in connection with NDPS Case No. 70 of 2023.** 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)

(Uday Kumar, J)