

19.09.2024

Court No.29

Item No.54

Allowed

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CRM (A) 3388 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 Hili Police Station Case No. 118 of 2024 dated 01.08.2024 corresponding to NDPS Case No. 37 of 2024 under Sections 21(b)/22(b)/23(b)/27A/28/29 of the Narcotic Drugs Psychotropic Substances Act.

And

In Re: Naryan Chakraborty

Petitioner

Mr. Kaushik Choudhury

Ms. Munmun Dutta

For the Petitioner

Mr. Siladitya Banerjee

Ms. Afreen Begum

For the State

1. Heard the learned counsel appearing for the parties.
2. Considering the fact that one Sirajul, who claims to have purchased intermediate quantity of narcotic substance from this petitioner, which he alleged to have confessed during police investigation and named the petitioner from whom he alleged to have purchased such intermediate quantity and also having regard to the fact that such statement during police custody is inadmissible in evidence. Moreover, there is no criminal antecedent of the petitioner, 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, **Naryan Chakraborty** 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 438 of the Criminal

Procedure Code corresponding to 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 Hili police station without the leave of the Jurisdictional Court till the submission of the final report and on further condition that the petitioner shall appear before the **learned Special Judge cum ADJ, 3RD Court, Balurghat, Dakshin Dinajpur, under NDPS Act**, within two weeks from date in connection with **NDPS Case No. 37 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)

(Uday Kumar, J)