

Item No.42(D/L)
Ct.No.29
dc./srm
Allowed

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with NCB Crime No. 14/NCB/KOL/2023 dated 11.04.2023 under Sections 21(C)/22(C)/29 of the NDPS Act, 1985.

In Re : **Anarul Islam** ... Petitioner.

Mr. Sourav Chatterjee,
Mr. Sagar Saha ... For the NCB/Union of India.

By such order, an interim anticipatory bail was granted to the petitioner.

Narcotics Control Bureau filed a complaint before the jurisdictional court.

At this stage, Narcotics Control Bureau is not in a position to show any nexus between the petitioner and the person arrested with the commercial quantity of narcotics or the seized commercial quantity of narcotics.

Narcotics Control Bureau are proceeding on the basis of the co-accused made while in custody as against the petitioner.

One co-accused, namely, Habibur Rahaman was denied anticipatory bail considering the materials relied on by the Narcotics Control Bureau.

The same case diary does not show any nexus between the petitioner and the seized commercial quantity of narcotics or the person arrested with the commercial quantity of narcotics, as noted above.

In such circumstances, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985.

In such circumstances, we confirm the interim order dated December 13, 2023.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, 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 and on condition that the petitioner shall appear on every date 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 the presence of the petitioner in court including cancelling the anticipatory bail granted without further reference to this Court.

The application for anticipatory bail is, thus, allowed.

CRM(A) 4594 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)