

07.10.2024
Court No.29
Item No. 49

Allowed

sg

CRM (A) 3617 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of Bhartiya Nagrik Suraksha Sanhita, in connection with Kaliachak Police Station Case No. 285 of 2024 dated 16.03.2024 under Section 21(c)/25/27A/29 of the NDPS Act pending before the learned Judge, Special Court, learned Additional District Judge, 4th Court, Malda.

And

In Re: **Meser @ Meser Sekh**

Petitioner

Md. Wasim Akram

For the Petitioner

Mr. Joydeep Biswas
Mr. Sharequl Haque

For the State

1. We have heard the learned Counsel for the parties.
2. Considering the fact that the name of the petitioner transpired from the statement of the co-accused during police custody which is inadmissible in evidence, the petitioner is able to rebut the statutory presumption of Section 37 of the NDPS Act and more over the case diary does not disclose the petitioner has any criminal antecedence, 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 present petitioner, namely, **Meser @ Meser Sekh**, 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 Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the Bharatiya Nagarik

Suraksha Sanhita. The petitioner shall not leave the jurisdiction of District Malda without the expressed leave of the jurisdictional Court.

4. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
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.)