

18.01.2024
Item No.50(D/L)
Ct.No.29
dc./srm
Allowed

C.R.M. (A) 4816 of 2023

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with English Bazar Police Station Case No. 106 of 2023 dated 20.01.2023 under Sections 21(C)/29 of the NDPS Act.

And

In Re : **Md Imrul Kayesh & Anr.** ... Petitioners.

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick ... For the Petitioners.

Mr. Saryati Datta ... For the State.

Petitioners pray for anticipatory bail.

Proclamation was issued on November 23, 2023.

However, this petition was filed on October 11, 2023.

Police, at this stage, are proceeding on the basis of the statement of the co-accused made while in custody.

Police filed charge-sheet.

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

Consequently, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, 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 petitioners 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 petitioners in court including cancelling the anticipatory bail granted without further reference to this Court.

The application for anticipatory bail is, thus, allowed.

CRM(A) 4816 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)