

30.01.2024

DL.65

Court No.29

(AD)

(Allowed)

C.R.M. (A) 5035 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bhagwangola** Police Station Case No. **165 of 2023** dated **28.04.2023** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985. (NDPS Case No.57 of 2023).

And

In the matter of: **Yausuf Ali @ Yusuf Ali**

....petitioner.

Mr. Tapodip Gupta

Mr. Suman Bhanja

...for the petitioner.

Mr. Prasun Kumar Datta

Mr. Nirupam Dhali

...for the State.

Police filed charge sheet.

Police at this stage apparently are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody. Police at this stage are unable to demonstrate any nexus between the petitioner and the person arrested with the commercial quantity of narcotics and/or seized commercial quantity of narcotics.

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. Consequently, we grant anticipatory bail to the petitioner.

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 prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 5035 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)