

25.01.2024
Item No.65
Ct. No. 29
PG/KS
Allowed

C.R.M.(A) 5109 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No.**1359** of **2023** dated **13.10.2023** under Sections **21 (C)/ 27A/ 29** of the NDPS Act.

And

In the matter of : **Abdul Kalam Azad**

.....Petitioner.

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

....for the Petitioner.

Mr. Aniket Mitra

....for the State.

Police are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody.

In another criminal complaint against the petitioner involving the provisions of the NDPS Act, 1985, the petitioner was enlarged on anticipatory bail on the ground that the police were proceeding against the petitioner on the basis of the statement of the co-accused.

Police, at this stage, are unable to demonstrate any nexus between the petitioner and the person arrested with the commercial quantity of narcotics or the seized commercial quantity of narcotics apart from the statement of the co-accused.

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

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 be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner will report before the Investigating Officer once in a week till the conclusion of investigation 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.

This application for anticipatory bail is, thus, allowed.

C.R.M.(A) 5109 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)