

25.01.2024
Item No.71
Ct. No. 29
PG/KS
Allowed

C.R.M.(A) 5129 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Rejinagar** Police Station Case No.**56** of **2023** dated **27.02.2023** under Sections **20(b)(ii)(C)/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : **Md. Golam Mostafa**

.....Petitioner.

Mr. Ali Ahasan Alamgir
Mr. S. Das Mahapatra
Ms. Soma Mal
Ms. Rabia Khatoon
Ms. June Modak

....for the Petitioner.

Mr. Swapan Banerje
Ms. Sayanti Santra

....for the State.

Recovery of the narcotics was made from the house of the in-laws of the petitioner.

Police 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 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 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 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) 5129 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)