

30.01.2024
SL No. 446
Ct No. 29
SB

C.R.M. (A) 5163 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kaliachak P.S. Case No. 456 of 2023 dated 14.04.2023 under Section 18(b)/27A/29 of the NDPS Act.

And

In the matter of: Rabiul Alam

....Petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

...for the Petitioner

Mr. Debasish Roy, Ld. P.P.
Mr. Antarikhya Basu

...for the State

Police filed charge sheet.

No recovery was made on the possession of the petitioner.

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

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

Considering this, 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/-, 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. The petitioner shall report before the Investigating Officer once a month till the conclusion of the

investigation. 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.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)