

01.02.2024

Serial no. ML 639

Anticipatory bail

[Allowed]

Dd

CRM (A) 5361 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. **148** of **2023** dated **18.04.2023** under Sections **21(c)/29** of the NDPS Act.*

-And-

*In the matter of : **Morshed Sk @ Sablu***

*... ... **Petitioner***

*Mr. Ali Ahasan Alamgir,
Ms. Soma Mal,
Ms. Rabia Khatoon,
Ms. June Modak, Advocates
... ... For the Petitioner*

*Ms. Subhasree Patel, Advocate
... ...For the State*

Earlier application of the petitioner for anticipatory bail was dismissed as withdrawn on June 5, 2023 passed in CRM (A) 1957 of 2023.

There are criminal antecedents involving Sections 399/402 of the Indian Penal Code, 1960 so far as the petitioner is concerned.

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

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.

Police filed charge sheet.

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.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 5361 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)