

19.02.2024

Serial no. 72

Anticipatory bail

[Allowed]

Dd

CRM (A) 5386 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Kaliachawk** Police Station Case No. **861** of **2022** dated **10.08.2022** under Sections **21(c)/25/27A/29** of the NDPS Act, 1985.*

-And-

*In the matter of : **Hadikul Sk @ Hajiqul Sk**
... .. **Petitioner***

*Mr. Sandip Chakraborty,
Mr. Kaustav Das, Advocate
... .. For the Petitioner*

*Mr. S. S. Imam,
Mr. Amanul Islam, Advocates
... ..For the State*

Report as called for by the order dated February 1, 2024 filed in Court be taken on record.

Police filed charge sheet.

Apparently, at this stage, police are proceeding on the basis of the statements of the co-accused made while in custody.

Police, at this stage, are unable to demonstrate any nexus between the person arrested with the commercial quantity of narcotics and 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 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) 5386 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)