

02.02.2024
Item No.45
Ct. No. 29
CHC
Allowed

C.R.M.(A) 5401 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Murutia** Police Station Case No.**288** of **2022** dated **20.11.2022** under Sections **21(c)/29** of the NDPS Act.

And

In the matter of : Haribul @ Hasibul Biswas

..... petitioner

Mr. Debarshi Brahma

....for the petitioner

Mr. Anand Keshari

....for the State

Petitioner pray for anticipatory bail.

Police filed charge-sheet.

At this stage, police are unable to demonstrate any nexus between the petitioner and the person arrested with the commercial quantity of narcotic and/or seized commercial quantity of narcotics.

In such circumstances, we are of the view that petitioner is able to overcome the restrictions under Section 37 of the N.D.P.S. 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 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.

CRM(A) 5401 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)