

01.02.2024

Serial no. ML 722

Anticipatory bail

[Allowed]

Dd

CRM (A) 5445 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Memari** Police Station Case No. **710** of **2021** dated **19.11.2021** under Sections **20(B)(II)(B)** of the NDPS Act.*

-And-

*In the matter of : **Sunil Kumar Jena @ Sunil Jana**
... .. **Petitioner***

*Mr. Tanmay Basu,
Mr. Manoj Adak,
Mr. Asif Iqbal, Advocate
... .. For the Petitioner*

*Mr. Ranabir Ray Chowdhury,
Ms. Eshita Datta, Advocates
... ..For the State*

Police filed charge sheet.

Apparently, police are proceeding on the basis of the statement of the co-accuseds made while in custody. That apart, police are not in a position to demonstrate any nexus between the petitioner and the person arrested with the 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) 5445 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)