

01.03.2024

19

Ct. No. 29

S.D.

Allowed

C.R.M.(A) 5508 of 2023

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hili** Police Station Case No. **10 of 2023** dated **19.01.2023** under Sections **21(c)/22(c)/23(c)/27A** of the N.D.P.S. Act.

And

In Re : **Nurislam Mandal @ Noor Islam**

..... petitioner

Mr. Kaushik Choudhury

Mr. Sabyasachi Hazra

Ms. Busra Khatun

...for the petitioner

Mr. Saibal Bapuli

Mr. Apurba Kumar Datta

...for the State

Report as called for by the order dated February 5, 2024 filed in Court be taken on record.

Report does not show any nexus at this stage between the petitioner and the person arrested with the commercial quantity of narcotics and/or the seized commercial quantity of narcotics.

Apparently, police is proceeding against the petitioner on the basis of the statement of co-accused 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 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/-, 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 will report before the Investigating Officer once a week 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.)