

06.02.2024
504(ML)
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 5581 of 2023

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gangarampur** Police Station Case No. **104 of 2022** dated **18.02.2022** under Sections **21(C)/22(C)/23(C)/27A/29** of the N.D.P.S. Act.

And

In Re : Atabuddin Mia

..... petitioner

Mr. Biswajit Manna

...for the petitioner

Mr. Sudip Ghosh, Ld.APP.,

Mr. Santanu Chatterjee

...for the State

Police filed charge sheet.

Apparently, the police are proceeding on the basis of a statement of the co-accused made while in custody.

Learned advocate appearing for the petitioner draws the attention of the Court to three statements recorded by Police Personnel. Apparently, such Police Personnel derived the knowledge of the petitioner being allegedly involved in the business through the Inspector-in-Charge

Since police are unable to demonstrate any other nexus between the petitioner and the commercial quantity of narcotics seized and/or the arrest of the co-accused and since the police filed charge sheet, we are of the view that the petitioner is able

to overcome the restriction 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/-, 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 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.)