

13.02.2024  
551(ML)  
Ct. No. 29  
**S.D.**  
**Allowed**

**C.R.M.(A) 5633 of 2023**

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Baishnabnagar** Police Station Case No. **185 of 2023** dated **23.03.2023** under Sections **21 (C)/29** of the N.D.P.S. Act.

And

In Re : Ismail Sk @ Ismile Sk

..... petitioner

Mr. Arup Kumar Bhowmick

...for the petitioner

Mr. R. Roychowdhury

Mr. N. Dhali

...for the State

Police filed charge sheet.

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

Police at this stage are unable to demonstrate the nexus between the petitioner and the person arrested with the commercial quantity of narcotics and/or the seized commercial quantity of narcotics.

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

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.)**