

20.02.2024
Item No.610ML
Ct. No. 29
CHC
Allowed

C.R.M.(A) 5693 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hili** Police Station Case No. **37** of **2023** dated **16.02.2023** under Sections **21(c)/22(c)/23(c)/27A** of the Narcotic Drugs and Psychotropic Substances Act read with Section **14(A)(b)** of the Foreigner's Act.

And

In the matter of : Jasim Mondal @ Gasim Mandal

..... petitioner

Mr. Kaushik Choudhury,
Ms. Busra Khatun,
Mr. Abhisek Kabir
....for the petitioner

Mr. Apurba Kr. Datta
....for the State

Petitioner prays for anticipatory bail.

Police filed charge-sheet.

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 seized commercial quantity of narcotics. Police apparently are proceeding on the basis of the statement of the co-accused made while in custody.

We are of the view that petitioner is able to overcome the restrictions under Section 37 of the N.D.P.S. Act, 1985.

In such circumstances, 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) 5693 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)