

22.01.2024
Court No.29
Item No. 127
AP

CRM (A) 5767 of 2023

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 NDPS Act.

-And-

In the matter of : **Irshad Shaikh @ Ersad Sekh**

... ..Petitioner.

Mr. Kazi M. Rahman

... .. For the Petitioner.

Mr. S.S. Imam

... ...For the State.

Report called for by the order dated January 5, 2024 filed in Court today is taken on record.

Such report does not demonstrate any nexus between the petitioner and the person arrested with the commercial quantity of narcotic and/or seized commercial quantity of narcotic. Police have proceeded on the basis of the statement of the co-accused made while in custody.

Police filed charge sheet.

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**.

Hence, the application for anticipatory bail is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)