

24.04.2024
Court No.01
Item No. 20
Allowed

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

ar

CRM (A) 338 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with kharibari Police Station Case No. 323 of 2023 dated 16.11.2023 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re: **Md. Ashiruddin @ Md. Ashiruddin Shekh @ Agastin,**
Petitioner

Mr. Hillol Saha Podder
Ms. Mousumi Das

For the Petitioner

Mr. Ujjwal Luksom
Mr. Sourav Ganguly
Mr. Sanjib Das

For the State

1. Heard.

2. Considering the fact that the petitioner was named by the co-accused persons while in custody, which is inadmissible in evidence, we are of the view that the petitioner is able to rebut the statutory restriction under Section 37 of the NDPS Act.

3. In view of such, we are inclined to grant anticipatory bail to the present accused petitioner.

4. 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 registered sureties of like amount each, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners shall meet the Investigating

Officer once in a week till the final report is filed and shall not leave the territorial jurisdiction of the learned Trial Court except with the permission of the learned Trial Court till submission of the final report.

5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

6. CRM (A) 338 of 2024 is, thus, disposed of.

7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Partha Sarathi Sen, J)