

30.04.2024
SL No.2
Court No.1
(gc)
(Allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 365 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Birpara Police Station Case No.183 of 2023, dated 12.12.2023 under Section 21 (c) of the NDPS Act, 1985.

And

In the matter of : **Aminur Islam @ Ripon @ Aminul Islam**

- Petitioner.

Ms. Madhushri Dutta

....For the Petitioner.

Mr. Nilay Chakraborty, Ld. APP

Ms. Namrata Das

... For the State.

1. It is submitted on behalf of the petitioner that the basis of the implication of the present accused petitioner in the alleged crime is the statement of a co-accused who has been apprehended with contraband articles.
2. Learned Counsel for the State though opposes the prayer for anticipatory bail but submits that the name of the present accused petitioner transpires from the statement of the co-accused.
3. In view of such, we are of the considered view that the present accused petitioner is successful in overcoming the restriction under Section 37 of the NDPS Act.

4. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.
5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Aminur Islam @ Ripon @ Aminul Islam**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, to the satisfaction of the learned Judge, Special Court (under NDPS Act), Alipurduar subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and with a further condition that the present accused petitioner shall appear before the learned Trial Court within 15 days from today and shall appear before the trial court on each date of substantive hearing subject to the provision of Section 317 of the Cr.P.C.
6. The application for anticipatory bail 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.)