

20.03.2025

Serial no. 46
(Anticipatory bail)
(Allowed)
(Dd)

CRM (A) 966 of 2025

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Kaliachak** Police Station Case No. **1209** of **2024** dated **03.08.2024** under Sections **21(c)/25/27A and 29** of Indian NDPS Act, 1985 to Bharatiya Nyaya Sanhita, 2023 **pending before Ld. Judge Special Court, Additional District Judge, 4th Court, Malda.***

-And-

In the matter of : **ATAULLA SK @ MD. ATTAULLAH SK**
... .. Petitioner

*Md. Wasim Akram,
Mr. Sarbina Parvin, Advocates
... .. For the Petitioner*

*Mr. Avishek Sinha,
Ms. Sreetama Das , Advocates
... ..For the State*

1. Petitioner stands implicated pursuant to a statement of co-accused made while in custody.
2. Apparently, commercial quantity of contraband was seized from the co-accused.
3. Police seized a sum of Rs.11,73,000/-, a money counting machine and weighing machine from the house belonging to the petitioner.
4. Petitioner justifies such sum on the basis of his nature of business as also the income tax return.
5. Documents relating to the income tax file of the petitioner is annexed to the petition.
6. For the assessment year 2024-2025, petitioner discloses a trading account where, sale/gross receipt was shown in excess of Rs.4 crores.

7. Considering the nature of the business, the explanation of the petitioner of a sum of Rs. 11,73, 000/- being found in his house seems possible.
8. Police filed charge sheet.
9. 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.
10. Consequently, we are inclined to grant anticipatory bail to the petitioner.
11. 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 corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 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.
12. Prayer for anticipatory bail of the petitioner is **allowed**.
13. **CRM (A) 966 of 2025 is disposed of.**

(Debangsu Basak, J.)

(Smita Das De, J.)