

20.03.2025

Serial no. 55
(Anticipatory bail)
(Allowed)
(Dd)

CRM (A) 975 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 **Bhagwangola** Police Station Case No. **393** of **2024** dated **02.08.2024** under Sections **21(C)/29** of NDPS Act, 1985 whereby charge sheet under Sections 21(C)/29 of NDPS Act, 1985 and under Section 111 of BNSS, 2023 pending before learned Judge Special Court under NDPS Act, Murshidabad at Berhampore.*

-And-

In the matter of : **MORSHED SK @ SABLU**

... .. Petitioner

*Mr. Soumojit Das Mahapatra,
Mr. Ali Ahasan Alamgir,
Ms. Soma Mal,
Ms. Rabia Khatoon, Advocates
... .. For the Petitioner*

*Mr. Anand Keshari,
Ms. Suruchi Satra, Advocates
... ..For the State*

1. Police filed charge sheet.
2. Police, at this stage, is unable to establish any nexus between the petitioner and the person arrested with the commercial quantity of contraband and/or the contrabands seized save and except the statement of the co-accused made while in custody.
3. 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.
4. Consequently, we are inclined to grant anticipatory bail to the petitioner.
5. 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.

6. Prayer for anticipatory bail of the petitioner is **allowed**.
7. **CRM (A) 975 of 2025** is **disposed of**.

(Debangsu Basak, J.)

(Smita Das De, J.)