

01.12.2020
SL No.63
AP

**CRM 7699 of 2020
(Through Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kushmandi** P.S. Case No.**110 of 2019** dated **08.10.2019** under Sections **21(c)/27** of the NDPS Act.

And

In the matter of: **Enamul Haque & Ors.**

....Petitioners.

Mr. Imtiaz Ahmed,
Mr. M.H. Choudhury,
Mrs. Shaila Afrin,
Ms. Arunima Mukhopadhyay,
Mr. Debopam Roy,
Mr. Sk. Saidullah,

...for the Petitioners.

Mr. Sanjoy Bardhan,
Mr. Protick Bose

...for the State.

Having considered the materials on record and bearing in mind the extent of complicity of the petitioners in the alleged crime and as no narcotic substance was recovered from their possession and in view of the fact that their complicity in the alleged offence has transpired from the statement of co-accused before a police officer which is inadmissible in evidence, we are of the opinion that petitioners have been able to rebut the statutory restrictions under section 37 of the NDPS Act. Under such circumstances, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, 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.

The application for anticipatory bail is, thus, disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)