

**CRM 8253 of 2020
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Sitalkuchi P.S. Case No.244 of 2019 dated 22.10.2019 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: **Azizul Mia & Ors.**

....Petitioners

Mr. Hillol Saha Podder

...for the Petitioners

Mr. Aditi Shankar Chakraborty

Mr. Sourav Ganguly

...for the State

The petitioners undertake to affirm and stamp the petition as per the Rules within one week of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioners claim that they are being proceeded against merely on the basis of the statement of an accused in an NDPS case, though no recovery has been made from the person of the petitioners.

The State says that four persons were attempted to be nabbed while trying to cross over into foreign territory but three of them ran away and the person who was apprehended indicated that these petitioners were the three others. However, the State cannot produce any independent material against the petitioners herein.

In the absence of the State being able to indicate anything firm against the petitioners, the mere statement of an accused cannot be the basis to arrest these petitioners.

In the circumstances, the petitioners are entitled to anticipatory bail.

In the event of arrest, the petitioners will be enlarged on bail upon furnishing security of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer.

The petitioners will also abide by the conditions laid down in section 438(2) of the Code.

CRM 8253 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Arijit Banerjee, J.)