

49 02.12.2020
rkd Ct. No.03
(Allowed)

**C.R.M. 9576 of 2020
(Through Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kumarganj** P.S. Case No. **160 of 2019** dated **16/08/2019** under Section **21(C)/22(C)/23(C)/27A** of the NDPS Act.

And

In the matter of: Alam Sarkar @ Samsul Alam Sarkar & Anr.
....petitioners.

Mr. K. Choudhury

...for the petitioners.

Mr. S. Banerjee,
Mr. S. De

...for the State.

It is submitted on behalf of the petitioners that they have been falsely implicated in the instant case. No narcotic substance was recovered from their possession.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioners. Apart from the statement of the co-accused person before a police officer which is inadmissible in evidence, there is no material connecting the petitioners with the alleged crime. Under such circumstances, we are of the opinion that petitioners have been able to rebut the statutory restrictions under Section 37 of the NDPS Act and they may be granted anticipatory bail.

In the event of arrest, the petitioners shall be released on bail upon furnishing a Bond of Rs. 10,000/- 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.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)