

10.12.2020  
tkm  
sl no. 60

**C.R.M. 10134 of 2020  
(via video conference)**

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Samserganj P.S case no. 74 of 2020 dated 14.5.2020 under section 21(c)/29 of the NDPS Act

And

**Allowed**

In Re : Abdul Rashid @ Rashid @ Abdul Rasid & Anr.

..... petitioners

Mr. A Rahaman

..... for the petitioners

Mr. Pradun Datta

..... 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 in the light of the submission that no narcotic substance was recovered from their possession and as their complicity had arisen from the statement of a 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 and they may be granted anticipatory bail.

Accordingly, we direct that 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 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

The application being CRM10134 of 2020 is disposed of.

**(Suvra Ghosh, J.)**

**(Joymalya Bagchi, J.)**