

14/12/2020
Item No.145 DL
S.DE/AD
(Allowed)

C.R.M. 10307 of 2020

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Hili P.S. Case No. 83 of 2020 dated 23.07.2020 under Sections 411/414 of the Indian Penal Code and read with Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Suman Das @ Saman & Others.

...Petitioners.

Mr. Busra Khatoon
Mr. Kaushik Choudhury ...for the Petitioners.

Mr. Tapandeb Nandy
Mr. Antaikhya Basu ...for the State.

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

Learned counsel appearing for 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. 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.

Under such circumstances, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall 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 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.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)