

13.12.2021  
Sl. No.33  
**akd**  
[ALLOWED]

**C. R. M. 4188 of 2021**

[via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 21.06.2021 in connection with Suti Police Station Case No. 127 of 2021 dated 05.04.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re: **Anikul Khan @ Ani & Ors.**

... .. Petitioners

Ms. Minoti Gomes  
Mr. Jisan Iqbal Hossain

... .. for the petitioners

Mr. Swapan Banerjee  
Mrs. Purnima Ghosh

... .. for the State

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

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioners have criminal antecedents.

In reply, learned advocate for the petitioners submits that her clients are on anticipatory bail in the earlier case.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioners and their complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Under such circumstances, we are of the opinion that the petitioners have been able to rebut the statutory restrictions under Section 37 of the NDPS Act. Hence, we are inclined in granting anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the accused/petitioners, namely **(1) Anikul Khan @ Ani, (2) Manglu Khan, (3) Jerat Sk., (4) Esa Sk. @ Isha Sk., (5) Ramjan Sk., (6) Faruk Sk & (7) Mojibur Khan**, 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.

**(Bivas Pattanayak, J.)**

**(Joymalya Bagchi, J.)**