

3 24.12.2021
(AD)
Court No.29
(Allowed)

**C.R.M. 4717 of 2021
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hili** P.S. Case No. **28 of 2021** dated **19/02/2021** under Sections **21(C)/22(C)/23(C)/27A** of the Narcotic Drugs and Psychotropic Substances Act (corresponding to Special Case No.16 of 2021).

And

In the matter of: Ashaful Mondal @ Asaful Mandal & Anr.
....petitioners.

Mr. Kaushik Choudhury
Ms. Busra Khatoon

...for the petitioners.

Mr. Sanjoy Bardhan
Mr. Ashok Kumar Das

...for the State.

Petitioners seek anticipatory bail.

A report was called for from the police with regard to the progress of the investigation by an order dated December 1, 2021. The matter was adjourned on December 22, 2021 to enable the State to comply with the earlier order.

Today, learned Advocate appearing for the State submits a report which be kept with the record.

The report does not demonstrate, *prima facie*, that there is any nexus between the petitioners and the persons arrested.

Since no contraband was recovered from the possession of the petitioners and since the petitioners are sought to be implicated on the basis of the statement of the co-accused, we are of the view that the petitioners are able to rebut the presumptions under Section 37 of the NDPS Act, 1985. Consequently, we 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/- 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 and on further condition that the petitioners shall meet the Investigating Officer once a month till the conclusion of the investigation and that they shall appear before the jurisdictional Court and pray for regular bail within four weeks from date.

The application for anticipatory bail being C.R.M. 4717 of 2021 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)