

Court No.
28
Item 28
ssi

16.12.
2021

C.R.M. 4987 of 2021

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Sagarpara Police Station case no. 103 of 2021 dated 05.06.2021 under Sections 188/379/411/34 of the Indian Penal Code and Sections 21 (c)/29 of the NDPS Act and Section 11 (d) of the Prevention of Cruelty to Animals Act.

In Re: Neharul Dakatar @ Niharul Dakatar & ors..

....petitioners

Mr. Jisan Iqubal Hossain
....for the petitioners
Mr. S.G. Mukherjee, Ld. PP
...for the State

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

Learned lawyer appearing for the State opposes the prayer for bail and submits that the petitioners were dealing in narcotic substances.

We have considered the materials on record. No narcotic substances were recovered from the possession of the petitioners. The statements of witnesses with regard to involvement of the petitioners in smuggling narcotics are hearsay in nature.

In view of the aforesaid facts, we are of the opinion that the 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 and on further condition that petitioners shall meet the Investigating Officer once in a week until further orders and shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)