

01.12.2021
Serial no.41

Aloke
Ct. No. 29

(Through Video Conference)

CRM 5619 of 2021

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 19.08.2021 in connection with English Bazar Police Station Case No. 1187 of 2020 dated 09.12.2020 under Sections 21(c)/29 of the NDPS Act.

-And-

In the matter of : **Najibul Hoque & Ors.**

... ..Petitioners

Mr. Amitabha Karmakar, Advocate

Mr. Arup Kr. Bhowmick, Advocate

... .. For the Petitioners

Mr. Sanjay Bardhan, Advocate

Mr. Palash Chandra Majhi, Advocate

... .. For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that no contraband was recovered from the possession of the petitioners. The petitioners were falsely implicated on the basis of the statement of the co-accused.

Learned Advocate appearing for the State submits that the police filed the charge-sheet showing the petitioners as absconders.

Considering the fact that no contraband was seized from the possession of the any of the petitioners and considering the fact that the petitioners are sought to be implicated on the basis of the statement of the co-accused only without there being any other materials in the case diary implicating any of the petitioners with the co-accused and considering the fact that the police filed charges-sheet, we are of the view that the petitioners are able to rebut the presumptions under Section 37 of the NDPS Act, 1985

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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and with a further condition that the petitioners shall appear

before the Court below and pray for regular bail within four weeks from date and on further condition that the petitioners shall appear before the jurisdictional Court on every date fixed for hearing.

The prayer for anticipatory bail is allowed.

CRM 5619 of 2021 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)