

14.12.2021.
91.
as
(Allowed).

C.R.M. 5754 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Murshidabad P. S. Case No.355 of 2021 dated 13.08.2021 under Sections 21(C)/29 of the N. D. P. S. Act.

In the matter of : Basudeb Mandal & Anr.
... Petitioners.

Mr. Ali Ahsan Alamgir,
Ms. Riya Das.
...for the Petitioners.

Mr. S. S. Imam,
Mr. S. Kundu.
.....for the State.

Heard the learned Advocates appearing for the parties.

Report is placed on record. The same be kept on record.

Petitioners submit no narcotic substance was recovered from their possession. They have been falsely implicated in the instant case.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail and relying on the aforesaid report he submits petitioners have criminal antecedents.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioners. With regard to criminal antecedents, only one case relates to narcotic drugs and the petitioners have been granted pre-arrest bail in the said case by this Court in C.R.M.5776 of 2021.

Under such circumstances and as no legally admissible evidence connecting the petitioners with alleged possession of narcotic drugs is placed on record, we are of the opinion that the petitioners have been able to rebut the statutory restrictions under Section 37 of the N. D. P. S. Act. Hence, 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/- 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 on condition that the petitioners shall meet the Officer-in-charge of the concerned Police Station once in a week until further orders and on further condition that the petitioners shall appear before the trial court and pray for regular bail within a period of four weeks from date.

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

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)