

16.12.2021

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Allowed

**C.R.M. 6199 of 2021  
(via video conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Lalgola Police Station Case No. 656 of 2021 dated 27.08.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Rahim Sk. @ Rahim Shaikh & Anr..... petitioners

Mr. Tapodip Gupta

.....for the petitioners

Mr. Swapan Banerjee

Mr. Suman De

....for the State

It is submitted by the learned Counsel appearing for the petitioners that no narcotic substance was recovered from them. Petitioners pray for anticipatory bail.

Learned Counsel appearing for the State opposes prayer for anticipatory bail and submits petitioners were dealing in narcotic substance with co-accused persons.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioners. Their complicity transpired from the statement of the co-accused before 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 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/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further conditions that the petitioners shall appear before the court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

**(Bivas Pattanayak, J.)**

**(Joymalya Bagchi, J.)**