

29.09.2021

28

Ct. No. 29

**KAUSHIK**

Allowed

**C.R.M. 6349 of 2021**  
**(via video conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Berhampore** Police Station Case No. **790** of **2021** dated **30.07.2021** under Sections 22(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Ajijul Sk. & Anr.

..... petitioners

Ms. Shabana Hasin

.....for the petitioners

Mr. Sanjoy Bardhan

Ms. Baisakhi Chatterjee

....for the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioner submits that, they were falsely implicated on the basis of a statement of a co-accused. Nothing was seized from their possession.

Learned advocate appearing for the State draws the attention of the Court to the case diary.

Considering the seizure report and considering the fact that no contraband was recovered from the possession of the petitioner, we are of the view that the petitioners rebutted the presumption under Section 37 of the NDPS Act, 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 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 meet the investigating officer once in a fortnight till the conclusion of the investigation and shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

**(Debangsu Basak, J.)**

**(Ananda Kumar Mukherjee, J.)**