

**CRM 6662 of 2021
(Via Video Conference)**

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Gangarampur Police Station Case No. 235 of 2021 dated 27.06.2021 under Sections 21(c)/22(c)/23(c)/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 14A(b) of the Foreigner's Act, 1946.

- A n d -

In the matter of : Rahul @ Rahul Amin and another

.... Petitioners.

Mr. Mazhar Hossain Chowdhury

... For the Petitioners.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee

... 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.

Learned advocate appearing for the State submits that Section 14A(b) of the Foreigner's Act, 1946 is also involved. The investigation is still pending.

Considering the fact that no contraband was recovered from the possession of the petitioners, we are of the view that the petitioners are able to rebut the presumption under Section 37 of the N.D.P.S. Act, 1985.

Considering the materials of the case diary, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal procedure, 1973. The petitioners shall meet the Investigating Officer once a fortnight until further orders 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.)