

17.12.2021
tkm/ct 28
sl no. 74

C.R.M. 8070 of 2021

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with NCB Crime no. 05/NCB/KOL/2020 under section 8(c) read with section 21(c)/29 of the NDPS Act

And

Allowed

In Re : Sajahan Sardar & Anr.

..... petitioners

Mr. P Roy

..... for the petitioners

Mr. Y J Dastoor, Id ASG

Mr. P Edulji

Mr. R K Saha

..... for the UOI

It is submitted on behalf of the petitioners that no narcotic was recovered from their possession. It is further submitted that they have been falsely implicated in the instant case.

Learned Additional Solicitor General opposes the prayer for anticipatory bail and submits that the petitioners were involved in the conspiracy of transporting narcotic substance. Call detail records show continuous communication between the petitioner no. 1 and the co-accused on the date of occurrence.

We have considered the materials on record. No narcotic was recovered from the petitioner no. 2. His complicity has transpired from the statement of co-accused. No corroborative material supporting such statement has been placed on record. Accordingly, we are inclined to grant anticipatory bail to petitioner no. 2.

However, we note there were continuous telephonic conversations between the petitioner no. 1 and the co-accused who was apprehended with narcotic substance above commercial quantity.

In view of the corroborative materials placed on record supporting the allegation of conspiracy and/or abetment in the transportation of narcotic substance, we are not inclined to grant anticipatory bail to petitioner no. 1.

Hence, prayer for anticipatory bail of petitioner no. 1 is rejected and that of petitioner no 2 is allowed.

Accordingly, we direct that in the event of arrest, the petitioner no. 2 shall be released on bail upon furnishing a bond of Rs. 10,000/- 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.

Petitioner no. 2 shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM 8070 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)