

21.12.2021
cm/ct 28
sl no. 30

C.R.M. 8302 of 2021

In Re : An application for Anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Gangarampur P.S Case No. 352 of 2020 dated 05.10.2020 under Sections 21 (c)/22 (c)/ 23 (c)/27A/28/29 of the NDPS Act. Read with Section 14 (A)(b) of Foreigners Act.

And

Allowed

In Re : Rabbani Hossain@ Golam Rabbani & Anr.

..... petitioners

Ms. Busra khatoon

..... for the petitioners

Mr. Sanjoy Bardhan

Mr. Palash Chandra Majhi

..... for the State

It is contended on behalf of the petitioners no narcotic substance was recovered from the possession of the petitioners. They have been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for anticipatory bail.

Having considered materials on record and bearing in mind the extent of complicity of the petitioners in the alleged crime and in the light of the submission that no narcotic substance was recovered from their possession and as their complicity in the alleged offence has transpired from the statement of co-accused before police officer which is inadmissible in evidence, we are of the opinion that petitioners have been able to rebut the statutory restrictions under section 37 of the NDPS Act and may be granted pre-arrest 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/- 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 petitioners shall meet to the investigating officer once in a week until further orders.

Petitioners shall appear before the court below and pray for regular bail within two weeks from date.

The application being CRM 8302 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)