

19 25.01.2022
(AD) Court No.29
(Allowed)

**C.R.M. (A) 27 of 2022
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak** P.S. Case No.**1175 of 2021** dated **24/10/2021** under Sections **21(C)/29** of the NDPS Act.

And

In the matter of: Swapan Mandal & Anr.

....petitioners.

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

...for the petitioners.

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

...for the State.

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners are sought to be falsely implicated on the basis of the statement of the co-accused in custody.

Learned Advocate appearing for the State draws the attention of the Court to the contents in the case diary.

Considering the fact that no recovery was made from the possession of the petitioners and that the petitioners are sought to be proceeded against on the basis of the statement of the co-accused and considering the fact that the police are unable to produce any materials to show any nexus between the petitioners and the co-accused at this stage, we are of the view that the petitioners are able to rebut the presumptions under Section 37 of the NDPS Act, 1985. Consequently, 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 and on further condition that the petitioners shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and that the petitioners shall appear before the jurisdictional Court and pray for regular bail within four weeks from date.

The application for anticipatory bail being C.R.M. (A) 27 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)