

25.01.2022

Serial no. 74

Dd

(Through Video Conference)

CRM (A) 173 of 2022

In re : An Application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure in connection with **NDPS Case no. 99 of 2021** corresponding to **Samserganj** Police Station Case No. **124** of **2021** dated **29.05.2021** under Sections **21(c)/29** of Narcotic Drugs and Psychotropic Substances act, 1985.

-And-

In the matter of : **Ataul Sk @ Ataru Sk @ Ataur(Banja) Sk
@ Ataur Rahaman & Anr.
... Petitioners**

Mr. Sarwar Jahan
Mr. Anisur Rahaman, Advocates
... .. For the Petitioners

Mr. Tapandeb Nandy,
Mr. Antarikshya Basu, Advocate
... ...For the State

Petitioners seek anticipatory bail.

Considering the fact that police filed charge sheet and considering the fact that no narcotics was recovered from the possession of the petitioners and that the State is seeking to proceed against the petitioners on the basis of the statements of the co-accused made in the custody, we are of the view that the petitioners is able to rebut the presumption under Section 37 of the NDPS act, 1985.

Consequently, we are inclined to 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/- (Rupees Ten Thousand Only) 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 condition that the petitioners shall appear before the Court below and pray for regular bail within a period of four weeks from date and on further condition that the petitioners shall appear before the jurisdictional Court on every date fixed for hearing.

Prayer for anticipatory bail is **allowed**.

CRM (A) 173 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)