

14.02.2022

Serial no. 09

Dd

CRM (A) 602 of 2022

In re : An Application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure in connection with **Rampurhat** Police Station Case No. **255** of **2019** dated **03.09.2019** under Sections **21** NDPS Act, being Charge Sheet No. **301** dated **11.08.2021**.

-And-

In the matter of : **Rubal Sekh @ Rubel Sk. & Ors.**
... **Petitioners**

Mr. Prosenjit Mukherjee,
Ms. Paulomi Dutta,
Ms. Tiya Ghosh,
Mr. Subodh Banerjee, Advocates
... ... For the Petitioners

Mr. Saswata Gopal Mukherjee, Ld. PP
Mr. Saryati Datta, Advocates
... ...For the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that no narcotic was recovered from the possession of the petitioners. The police are proceeding against the petitioners on the basis of the statements of the co-accused recorded while in custody. The police, in any event, filed charge sheet and, therefore, custodial interrogation of the petitioners is not required.

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

Considering the fact that no narcotic was recovered from the possession of the petitioners and considering the fact that police are proceeding against the petitioners on the

basis of the statements of the co-accused made while in custody and considering the fact that police filed charge sheet, we are of the view that the petitioners are able to overcome the restrictions 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 of the petitioners is **allowed.**

CRM (A) 602 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)