

22.03.2022

Sl. 73
Court No.29
Sc/SD
(Allowed)

C.R.M. (A) 607 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **03.02.2022** in connection with **Raiganj** P. S. Case No. **513** of **2021** dated **28.06.2021** under Sections **21(b)/22(b)/27/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: Majid Mahammad & Anr.

....petitioners.

Mr. Kaushik Chaudhury
Ms. B. Khatun

...for the petitioners.

Mr. Sanjay Bardhan
Mr. Nirupam Dhali

...for the State.

Petitioners seek anticipatory bail.

Considering the fact that no narcotic was recovered from the possession of the petitioners and considering the fact that the police are proceeding against the petitioners on the basis of the statement of the co-accused while in custody and considering the fact that the 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 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) with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the

anticipatory bail granted without further reference to this Court.

Consequently, we grant anticipatory bail to the petitioners.

Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 607 of 2022 is, thus disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)