

22.03.2022

115

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 862 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Suti** Police Station Case No. **230** of **2021** dated **22.06.2021** under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Rangbir Sk. @ Sajahan Ali & Ors.

..... petitioners

Ms. Minoti Gomes

....for the petitioners

Mr. Saibal Bapuli

Mr. Soumik Ganguly

....for the State

Petitioners seek anticipatory bail on the ground of parity with the other co-accused.

Learned advocate appearing for the State does not dispute such contention.

Considering the fact that the petitioners stand on the same footing as that of the other co-accused who was granted anticipatory bail on November 23, 2021 in CRM 4635 of 2021 and considering the fact that the police filed charge-sheet and considering the fact that no narcotic was seized from the possession of the petitioner and considering the fact that the petitioner has sought to be proceeded against on the basis of the statement of the accused made while in custody, we are of

the view that the petitioner is able to rebut the presumption 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 be 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)