

12.05.2022

Sl. 01
Court No.29
suvayan
(Allowed)

CRM (A) 913 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Sagardighi** P.S. Case No. **488/2021** dated **21/12/2021** under Sections **21(c)/29** of the NDPS Act, 1985.

And

In the matter of: Jony Sk @ Janirul Sekh @ Jonny Sk. & Anr.
....petitioners.

Mr. Tapodip Gupta
...for the petitioners.

Mr. Madhusudan Sur
Mr. Dipankar Pramanik
...for the State.

Report as called for by the order dated April 28, 2022 filed in Court be taken on record.

Learned Advocate appearing for the State submits that there are criminal antecedents so far as the petitioners are concerned. He refers to the report dated May 9, 2022.

Learned Advocate appearing for the petitioners submits that in both the cases referred to, the petitioners were granted anticipatory bail by this Hon'ble Court.

Considering the fact that no narcotic was seized from the possession of the petitioners and considering the fact that the police at this stage are unable to establish any nexus between the petitioner and the person who was arrested with the commercial quantity of narcotic and considering the fact that the police are proceeding on the basis of the statement of the co-accused made while in custody, we are of the view that the petitioners are able to overcome the restrictions under Section 37 of the Narcotic Drugs and Psychotropic Substances 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) each 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 will report before the Investigating Officer once in a week till the conclusion of the investigation 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.

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

CRM (A) 913 of 2022 is, thus disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)