

17.05.2022
Serial no. 02
[Dd]
(Anticipatory Bail
Allowed)

CRM (A) 1698 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Special Case No. 51 of 2018** arising out of **Seizure Case No.02/NDPS/CL/CUS/BDNPU/2018** dated **31/08/2018** under Sections **15(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

-And-

In the matter of : **Sekh Sahajahan @ Sk. Jahangir & Anr.**

... .. Petitioners

Mr. Santanu Maji,
Ms. Snigdha Saha,
Mr. Pronay Basak,
Ms. Trisha Rakshit, Advocates
... .. *For the Petitioners*

Mr. B.P Banjeree,
Ms. Aishwarya Rajyashree, Advocates
... ..*For the Custom Authorities*

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that the Custom Authorities submitted a complaint. The petitioners are sought to be proceeded against on the basis of the statement of the co-accused made while in custody. No recovery was made from the possession of the petitioners.

Learned Advocate for the Custom Authorities submits that the petitioners were the contact persons. He refers to the complaint submitted.

At this stage, the Custom Authorities are unable to establish any nexus between the petitioners and the person arrested with the commercial quantity of narcotic. No narcotic

was recovered from the possession of the petitioners. Custom Authorities are seeking to proceed against the petitioners on the basis of the statement of the co-accused made while in custody. The Custom authorities submitted the complaint with the jurisdictional Court.

In such circumstances, 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 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.

Prayer for anticipatory bail of the petitioners is **allowed.**

CRM (A) 1698 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

