

10.06.2022.
79.
Ct.No.28.
as
(Allowed)

C.R.M. (A) 1819 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with NDPS Case No.72 of 2022 arising out of Lalgola P. S. Case No.90 of 2022 dated 19.03.2022 under Sections 21(c)/29 of the N.D.P.S. Act.

In the matter of : Babu @ Rahim Sk. & Ors.
.... Petitioners.

Mr. Tapodip Gupta.
...for the Petitioners.

Mr. Saryati Datta.
...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Report is placed on record. No narcotic substance was recovered from the possession of the petitioner.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioners. Their complicity had transpired from the statement of co-accused before the police officer which is inadmissible in evidence. Perusal of the report shows no incriminating evidence has been collected till date.

In view of the aforesaid facts, we are of the opinion that the petitioners have been able to rebut the statutory

restrictions under Section 37 of the N. D. P. S. Act and they may be granted anticipatory bail.

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 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 meet with the investigating officer once in a week until further orders and on further condition that the petitioners shall appear before the court below and pray for regular bail within four weeks from date.

This application for anticipatory bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)