

17.05.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 2195 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Krishnaganj** Police Station Case No. **258** of **2021** dated **20.10.2021** under Sections 20(b)/20(c) of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Bappa Majumder & Ors.

..... petitioners

Mr. Prabir Majumdar

....for the petitioners

Mr. Ranadeb Sengupta

....for the State

Considering the fact that the petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody and considering the fact that no narcotic was recovered from the possession of the petitioner and considering the fact that the police filed charge-sheet and considering the fact that the police are unable to establish any nexus between the petitioners and the person arrested with commercial quantity of narcotic at this stage, 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/- 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.)