

20.05.2022
Serial no. 29
[Dd]
(Anticipatory Bail
Allowed)

CRM (A) 2303 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Raiganj** Police Station Case No. **198** of **2021** dated **29.03.2021** under Sections **21(c)/23(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

-And-

In the matter of : **Fazrul Haque alias Fajirul Haque & Anr.**

... .. Petitioners

Mr. Sayan Kanjilal

Mr. Sayan De, Advocate

... .. For the Petitioners

Mr. Anwar Hossain,

Ms. Ratna Ghosh, Advocate

... ..For the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that the petitioners stand on the same footing as that of the co-accused who was enlarged on anticipatory bail. No narcotic was recovered from the possession of the petitioners.

Learned advocate appearing for the State submits that although the petitioners stand on the same footing as that of the other co-accused enlarged on anticipatory bail, there are two other criminal antecedents so as the petitioners are concerned.

Considering the fact that no narcotic was recovered from the possession of the petitioners and considering the fact that the petitioners can justifiably claim parity as that of the other co-accused who was granted anticipatory bail and considering the fact that police are proceeding on the basis of the statement of the co-accused made while in custody as

against the petitioners, 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 report before the Investigating Officer once in a week till the conclusion of the investigation 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) 2303 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)