

10.06.2022

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Allowed

C.R.M. (A) 2569 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 568 of 2022 dated 27.05.2022 under Sections 21(C)/29 of the NDPS Act.

And

In Re : Ajoy Mandal @ Ajay & Anr..... petitioners

Mr. Arup Kumar Bhowmick

.....for the petitioner

Mr. Siladitya Banerjee

....for the State

It is submitted by the learned Counsel appearing for the petitioners that no narcotic substance was recovered from them.

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

Having considered the materials on record and keeping in mind the extent of complicity of the petitioners in the alleged crime in the light of the submission that no narcotic substance was recovered from the possession of the petitioners and as their complicity transpired from the statement of co-accused before police officer which is inadmissible in evidence, we are of the opinion that the petitioners have been able to rebut the statutory restrictions under Section 37 of the NDPS 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/- (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 condition that the petitioners shall appear before the court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)