

24.06.2022

05

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 2857 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Rampurhat** Police Station Case No. **294** of **2022** dated **04.06.2022** under Sections 21/29 of the narcotic Drugs and Psychotropic Substances Act.

And

In Re : Lalmohammad Sk. @ Rahim Sk. & Anr.

..... petitioners

Mr. Prosenjit Mukherjee

....for the petitioners

Mr. Sanjoy Bardhan

Ms. Debjani Dasgupta

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were falsely implicated. The petitioners are being proceeded against on the basis of the statement of the co-accused made while in custody. No narcotic was recovered from the possession of the petitioners.

Learned advocate appearing for the State submits that, the investigations are at a nascent stage. The narcotic was recovered from other co-accused. Two motor cycles were also seized. These motor cycles, however, do not belong to the petitioners.

Considering the fact that no narcotic was recovered from the possession of the petitioners and considering the statement of the co-accused made while in custody, 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 further condition that the petitioners shall meet the Investigating Officer once a fortnight till the conclusion of the investigation 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.)

