

04.07.2022
Serial no. 10
[Dd]
(Anticipatory Bail)
(**Allowed**)

CRM (A) 2934 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Lalgola** Police Station Case No. **162** of **2022** dated **21.05.2022** under Sections **21(C)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

-And-

In the matter of : **Sariful Islam & Anr.**

... .. Petitioners

Mr. A. A. Alamgir,
Ms. Riya Das, Advocates
... .. *For the Petitioners*

Mr. Saibal Bapuli, Id APP
Mr. Arijit Ganguli,
Mr. Arani Bhattacharyya, Advocates
... ..*For the State*

No narcotic was recovered from the possession of the petitioners. The petitioners are sought to be proceeded against on the basis of the statements of the co-accused made while in custody.

The State was required to submit a report by the order dated June 21, 2022 which the State submits. Such report dated July 3, 2022 be taken on record. The report does not disclose any nexus between the petitioners and the person arrested with the commercial quantity of narcotic or with the seized narcotic at this stage.

In such circumstances, we are 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 on every date 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) 2934 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)