

24.06.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 3013 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. **271** of **2021** dated **31.10.2021** under Section 21(c) of the narcotic Drugs and Psychotropic Substances Act.

And

In Re : Sagar Biswas & Anr.

..... petitioners

Mr. Prabir Majumdar

....for the petitioners

Mr. Antarikhya Basu

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, no narcotic was recovered from the possession of the petitioners. Police filed charge-sheet.

Learned advocate appearing for the State submits that, the name of the petitioner transpired from the statement made by the co-accused while in custody.

Considering the fact that the police filed charge-sheet and considering the fact that the police are unable to establish any nexus between the petitioner and the co-accused arrested with the commercial quantity of narcotic save and except the statement of the person arrested 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 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.)