

13.07.2022
Serial no.13
Aloke

CRM (A) 3308 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Kaliachak P.S. Case No. 1330 of 2021 dated 28.11.2021 under Sections 21(c)/27A/29 of the NDPS Act, 1985 read with Section 27(a) of the Drugs & Cosmetics Act, 1940.

-And-

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

... .. Petitioners

Mr. Mounick Ghosh, Advocate

... .. For the Petitioners

Mr. Suman De, Advocate

... ..For the State

Petitioners seek anticipatory bail on the ground of parity with that of the other co-accused who were enlarged on anticipatory bail on April 26, 2022 in CRM (A) 1429 of 2022.

The claim of parity is not disputed on behalf of 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 statement of the co-accused made while in custody. The police at this stage are unable to establish any nexus between the petitioners and the person arrested with the commercial quantity of narcotics or the seized commercial quantity of narcotics. The claim of parity has also not been disputed.

In such circumstances, we are of the view that the petitioners are able to overcome the restrictions under Section 37 of the NDPS Act, 1985 and considering the fact that the police filed charge-sheet, 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 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) 3308 of 2022 is disposed of.

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(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)