

17.08.2022
Serial no. 02
[Dd]
(Anticipatory Bail)
(**Allowed**)

CRM (A) 3676 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Raninagar** Police Station Case No. **222** of **2022** dated **15.06.2022** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

-And-

In the matter of : **Asadul Molla @ Asadul Sk & Anr.**

... .. Petitioners

Mr. Jisan Iqubal Hossain,
Ms. Sweta Bhatta, Advocates
... .. *For the Petitioners*

Mr. Binay Panda,
Mr. Subham Bhakat, Advocates
... ..*For the State*

Report as called for by the order dated August 2, 2022 filed in Court be taken on record.

The report states that there is no direct nexus between the petitioners and the absconded first information report accused.

The Court is informed that the petitioners are on bail in the two police cases spoken of in the report of the police.

No narcotic was recovered from the possession of the petitioners. The police at this stage are unable to demonstrate any nexus between the petitioners and the seized commercial quantity of narcotics or the absconded accused.

In such circumstances, we are of the view that the petitioners are able to rebut the presumption 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) 3676 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)