

16.08.2022
Serial no. 06
[Dd]
(Anticipatory Bail)
(Allowed)

CRM (A) 3765 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **NDPS Case No. 155 of 2022** arising out of **Sagarpara** Police Station Case No. **125** of **2022** dated **22.06.2022** under Sections **21(C)/29** of the Narcotic Drugs and Psychotropic Substance Act.

-And-

In the matter of : **Najmul Molla & Ors.**

... ... Petitioners

Mr. G. N. Imrohi, Advocate

... ... *For the Petitioners*

Mr. Suman De, Advocate

... ...*For the State*

Report as called for by the order dated August 5, 2022 filed in Court be taken on record.

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 report dated August 7, 2022 does not speak of any nexus between the petitioners and the commercial quantity of narcotics and/or the accused arrested with the commercial quantity of narcotics.

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.

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 fortnight 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) 3765 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)