

CRM 8601 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Rajab Ali @ Sk @ Biswas & Ors.**
..... petitioners

Mr. Mrityunjoy Chatterjee
Md. Golam Nure Imrohi
.....For the petitioners

Mr. Narayan Prasad Agarwala
Mr. Saryati Dutta
.....For the State

Apprehending arrest in connection with Domkal Police Station Case No. 721 of 2021 dated 28th November, 2021 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substance Act, the present application has been preferred.

The matter was adjourned on the last occasion to ascertain as to whether the petitioners have any antecedent.

Mr. Chatterjee, learned advocate appearing for the petitioners submits that the petitioner no. 4 was arraigned as an accused in Jalangi PS Case No. 578 of 2016 dated 22nd June, 2016 under Sections 21(c)/29 of the NDPS Act but subsequently he was acquitted. An Information Slip, as submitted, be kept on record.

Mr. Agarwala, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary. It, however, could not

be disputed by him that there had been no recovery of contraband substance above commercial quantity from the possession of the petitioners.

It appears that the petitioners' names have transpired on the basis of co-accused statements. If such statements are excluded, *prima facie*, we do not find any further material disclosing the nexus of the petitioners with the alleged offence. In the said conspectus, we are of the opinion that the statutory restrictions are not attracted and the petitioners may be granted anticipatory bail.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Rajab Ali @ Sk @ Biswas, Mehedi Hasan, Piyarul Sk and Tipu Tagadgiri @ Tipu Sultan** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further direction that the petitioners shall meet with the investigating officer twice a week till investigation is complete.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses. They shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 8601 of 2021, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)