

07.01.2022
Sl. No.4
akd
[ALLOWED]

C. R. M. 8739 of 2021 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 17.12.2021 in connection with Gangarampur Police Station Case No. 445 of 2021 dated 30.10.2021 under Sections 22(c)/29 of the NDPS Act read with Section 27A of the Drugs and Cosmetics Act.

And

In Re: ***Khairul Miya @ Islam & Ors.***

... .. Petitioners

Ms. Jeenia Rudra

... .. for the petitioners

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

... .. for the State

It is submitted on behalf of the petitioners that no narcotic substance was recovered from their possession.

Learned advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioners and their complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Under such circumstances, we are of the opinion that the petitioners have been able to rebut the statutory restrictions under Section 37 of the NDPS Act. Hence, we are inclined in granting anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the accused/petitioners, namely ***(1) Khairul Miya @ Islam, (2) Golam Mortuja Mia @ Golam Martuja, (3) Abdul Alam Mia @ Abdul Alam, (4) Amit Roy & (5) Mahabur Alam***, 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 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 appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Bibhas Ranjan De, J.)

(Joymalya Bagchi, J.)