

12 25.01.2022
(AD)
Court No.29
(Allowed)

**C.R.M. 8937 of 2021
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak** P.S. Case No.**1175 of 2021** dated **24/10/2021** under Sections **21(C)/29** of the NDPS Act.

And

In the matter of: Bapan Mandal & Ors.

....petitioners.

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

...for the petitioners.

Mr. Binay Panda
Ms. Puspita Saha

...for the State.

Petitioners seek anticipatory bail.

The petition is taken for consideration subsequent to the order dated January 4, 2022.

By the order dated January 4, 2022, a report was called for from the State to establish the nexus between the petitioners and the other co-accused, if there be any.

Report submitted in Court be taken on record.

It transpires from the record that the State is relying on the statement of the co-accused and is unable to produce any materials to establish any nexus between the petitioners and the co-accused apart from the statements of the co-accused.

Considering the fact that no narcotics was seized from the possession of the petitioners and considering the fact that the petitioners are sought to be proceeded against on the basis of the statements of the co-accused with no other material being placed

to establish the nexus between the petitioners and the co-accused, we are of the view that the petitioners are able to rebut the presumptions under Section 37 of the NDPS Act, 1985. Consequently, we 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/- 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 meet the Investigating Officer once a fortnight till the conclusion of the investigation and that the petitioners shall appear before the jurisdictional Court and pray for regular bail within four weeks from date.

The application for anticipatory bail being C.R.M. 8937 of 2021 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)