

19.09.2022
Serial no. 07
[Dd]
(Anticipatory Bail)
(**Allowed**)

CRM (A) 4368 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Jalangi** Police Station Case No. **265** of **2022** dated **19.08.2022** under Sections **21(c) / 29** of the Narcotic Drugs and Psychotropic Substances Act arising out of NDPS case No. **185/2022**.

-And-

In the matter of : **Mijanur Rahaman Molla & Ors.**
... .. **Petitioners**

Mr. Jisan Iqubal Hossain, Advocate
... .. *For the Petitioners*

Mr. Saryati Datta, Advocate
... .. *For the State*

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.

Report as called for by the order dated September 12, 2022 filed in Court be taken on record. Such report does not demonstrate any nexus between the petitioners and the commercial quantity of narcotic seized and/or the person arrested with the commercial quantity of narcotic.

In such circumstances, we are of the view that the petitioners are able to rebut the presumptions 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) 4368 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)