

16.09.2022
Serial no.8
Aloke

CRM (A) 4438 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 241 of 2022 dated 05.03.2022 under Sections 21(c)/29 of the NDPS Act.

-And-

In the matter of : **Yousuf Ali @ Usuf Ali & Anr.**

... .. Petitioners

Mr. Mazahar Hossain Chowdhury, Advocate

Mr. Mobashshara Alam, Advocate

... .. For the Petitioners

Mr. Sanjay Bardhan, Advocate

Ms. Baishakhi Chatterjee, Advocate

... .. For the State

Petitioners seek anticipatory bail.

The police filed charge-sheet. The police are unable to demonstrate any nexus between the petitioners and the seized commercial quantity of narcotics and/or the person arrested with the commercial quantity of narcotics. No narcotic was recovered from the possession of the petitioners.

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 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) 4438 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)