

29.09.2022.
01.
as
(Allowed).

C.R.M. (A) 4533 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with NDPS Case No.168 of 2022 arising out of Raninagar P. S. Case No.258 of 2022 dated 16.07.2022 under Sections 21(C)/29 of the N. D. P. S. Act.

In the matter of : Jhoney Sekh @ Janirul Sk. @
Jonirul Saikh & Ors.
... Petitioners.

Mr. M. Chatterjee,
Mr. G. N. Imrohi,
Mr. D. Majumder.
...for the Petitioners.

Mr. S. Bapuli, Id. A.P.P.,
Mr. S. Ganguli.
.....for the State.

Petitioners submit no narcotic substance was recovered from their possession.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail. He submits report with regard to mobile phone communication between the petitioners and co-accuseds from whom narcotic substance was recovered.

We have considered the materials on record. From the report it appears though there were telephonic conversations between petitioners themselves, there was no communication between the petitioners and the co-accuseds from whom narcotic substance was recovered.

Keeping in mind the aforesaid fact and as no narcotic substance was recovered from the possession of the petitioners, we are of the opinion they have been able to

rebut the statutory restrictions under Section 37 of the N. D. P. S. Act. Hence, 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/- each with two sureties of like amount each, 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 and on further condition that the petitioners shall appear before the trial court and pray for regular bail within a period of four weeks from date.

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)