

09.11.2022

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Ct. No. 29

**KAUSHIK**

Allowed

**C.R.M.(A) 5101 of 2022**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Lalgola** Police Station Case No. **144** of **2022** dated **05.05.2022** under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : Inamul Hoque @ Enamul Sk & Anr.

..... petitioners

Mr. Ali Ahsan Alamgir

Ms. Soma Mal

....for the petitioners

Mr. Saryati Dutta

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were falsely implicated. The police filed charge-sheet and, therefore, custodial interrogation of the petitioners are not required.

Learned advocate appearing for the State submits that, no narcotic was recovered from the possession of the petitioners. The police filed charge-sheet.

The police filed charge-sheet. The police are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody. At this stage, the police are unable to demonstrate any nexus between the petitioners and

the person arrested with commercial quantity of narcotic and/or seized commercial quantity of narcotic.

In such circumstances, the petitioners are able to overcome the restrictions 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 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.

This application for anticipatory bail is, thus, allowed.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**

