

08.12.2022
Serial no.8
Court 29
AB

CRM (A) 5565 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Gangarampur Police Station Case No.449 of 2022 dated 8.9.2022 under Sections 341/326/307/353/186/34 of the Indian Penal Code read with Sections 21 (c)/23 (c)/28/29 of the NDPS Act

-And-

In the matter of : **Javaidhur Islam @ Jobaidul Islam & Anr.**

... .. Petitioners

Mr. Kaushik Choudhury,
Ms. Busra Khatun

... .. For the Petitioners

Mr. Sanjay Bardhan,
Ms. Manisha Sharma

... ..For the State

Report as called for by the order dated November 30, 2022
filed in Court today be kept on record.

The police, at this stage, are unable to demonstrate any
nexus between the petitioners and the person arrested with the
commercial quantity of narcotic substance and/or the seized
narcotic.

The police are proceeding against the petitioners on the
basis of the statement of the co-accused made while in custody.

In such circumstances, the petitioners are able to
overcome the statutory 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/- (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 will 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) 5565 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)