

14.12.2022
Sl.8
Court No.29
(AD)
(Allowed)

C.R.M. (A) 5677 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raninagar** Police Station Case No.**187 of 2022** dated **21.05.2022** under Sections **21(c)/29** of Narcotic Drugs and Psychotropic Substances Act arising out of NDPS Case No.127/2022.

And

In the matter of: **Basudev Mondal & Ors.**

....petitioners.

Mr. Jisan Iqubal Hossain
Ms. Chandrima Debnath
Mr. Karnel Mondal

...for the petitioners.

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty

...for the State.

Report as called for by the order dated December 6, 2022 filed in Court be taken on record.

The police filed charge sheet.

At this stage, the police are not in a position to demonstrate any nexus between the petitioners and the person arrested with the commercial quantity of narcotics and/or seized commercial quantity of narcotics.

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

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 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 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.

The prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 5677 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)