

22.12.2022
Serial no. 04
[Dd]
(Anticipatory Bail)
(**Allowed**)

CRM (A) 5826 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 **08.09.2022** under Sections **341/326/307/353/186/34** of the Indian Penal Code read with Sections **21(C)/23(c)/28/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985 and section **51** of the Wildlife (Protection) Act, 1972.

-And-

In the matter of : **Khairul Miya & Ors.**
... .. **Petitioners**

Mr. Uday Sankar Chattopadhyay,
Mr. Santanu Maji,
Ms. Jeenia Rudra, Advocates
... .. *For the Petitioners*

Mr. Sanjay Bardhan,
Mr. Suman Saha, Advocates
... ..*For the State*

Report as called for by the order dated December 15, 2022 filed in Court be taken 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 narcotics and/or the seized commercial quantity of narcotics.

One petitioner is on bail in respect of another criminal case. Other co-accuseds were enlarged on anticipatory bail.

In such circumstances, we are of the view that the petitioners are able to overcome the restriction 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 further condition that the petitioners shall 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) 5826 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)