

19.12.2022
Serial no.26
Aloke

CRM (A) 5854 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Krishnaganj Police Station Case No. 184 of 2022 dated 27.05.2022 under Sections 21(C)/29 of the NDPS Act.

-And-

In the matter of : **Kartick Rajbhar @ Bakul Rajbhar & Anr.**
... ... Petitioners

Mr. Sandip Chakraborty, Advocate
Mr. Antarikhya Basu, Advocate
Ms. Madhumita Basak, Advocate
... ... For the Petitioners

Mr. Sanjay Bardhan, Advocate
Ms. Debjani Dasgupta, Advocate
... ...For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated. The petitioners were the informer of the police.

Learned Advocate appearing for the State submits that warrant of proclamation and attachment were issued. There is criminal antecedents so far as the petitioners are concerned.

Apparently, from the certified copy of the records of the jurisdictional Court, it does not appear that warrant of proclamation and attachment were issued against the petitioners.

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. The police filed charge-sheet.

The petitioner no. 1 is on bail in the other police case involving the NDPS Act, 1985 spoken of by the police.

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 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 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) 5854 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)