

10.01.2023

14

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 74 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Baishnabnagar** Police Station Case No. **753** of **2021** dated **28.12.2021** under Section 27 of the Drugs and Cosmetic Act and Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Tanjur Sk @ Tanjural Haque & Ors.

..... petitioners

Mr. Amitava Karmakar

Mr. Arup Kumar Bhowmick

....for the petitioners

Mr. Swapan Banerjee

Mr. Anindya Sundar Chatterjee

....for the State

The police filed charge-sheet.

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.

The police are, apparently, 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 rebut the presumptions 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.)