

28.02.2023
Serial no. 07
[Dd]
(Anticipatory Bail)
(Allowed)

CRM (A) 295 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Raninagar** Police Station Case No. **576** of **2022** dated **24.12.2022** under Sections **21(c)/29** of Narcotic Drugs and Psychotropic Substances Act, 1985.

-And-

In the matter of : **Roich Sk @ Rais Mondal & Ors.**
... .. **Petitioners**

Mr. Jisan Iqbal Hossain,
Mr. Karnel Mondal, Advocates
... .. *For the Petitioners*

Mr. Saibal Bapuli, Id. APP
Mr. Soumik Ganguly, Advocates
... .. *For the State*

Report as called for by the order dated February 7, 2023 filed in Court be taken on record.

The report claims that, the petitioners are habitual offender and that they are in close contact with the arrested accused.

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

In such circumstances, we are of the view that the petitioners are able to rebut the presumption 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) 295 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)