

03.03.2023

Serial no. 04

[Dd]

(Anticipatory Bail)

(Allowed)

CRM (A) 930 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Hogalberia** Police Station Case No. **268** of **2022** dated **19.08.2022** under Sections **420/468/471/474** of the Indian Penal Code and **21(c)/29** NDPS Act.

-And-

In the matter of : **Amit Swarnakar @ Amit Kumar Swarnakar & Anr.**

... .. **Petitioners**

Mr. Amanul Islam,
Mr. Sourav Mukherjee, Advocate
... .. *For the Petitioners*

Mr. Saryati Dutta, Advocate
... ..*For the State*

Police filed charge sheet.

At this stage, police 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.

Petitioners are standing on the same footing as that of another co-accused enlarged on anticipatory bail on December 6, 2022 passed in CRM(A) 5478 of 2022.

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) 930 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)