

11.04.2023

Sl.3

Court No.29

(AD)

(Allowed)

C.R.M. (A) 1299 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hili** Police Station Case No. **216 of 2022** dated **18.09.2022** under Sections **20(b)(2)/21(c)/22(c)/23(c)/27A** of the Narcotic Drugs and Psychotropic Substances Act (corresponding to Special Case No.75 of 2022).

And

In the matter of: **Bapan Sarkar & Anr.**

....petitioners.

Ms. Busra Khatoon

...for the petitioners.

Mr. Saibal Bapuli, Ld. APP

Mr. Soumik Ganguli

...for the State.

Petitioners pray for anticipatory bail.

Report as called for by the order dated March 29, 2023 filed in Court be taken on record.

It appears from such report that, the police claim that, the petitioners and the person arrested with the commercial quantity of narcotics used to meet physically. However, police at this stage are unable to produce any statement recorded under Section 161 of the Code of Criminal Procedure of any independent person alluding to such fact.

Apparently, police are proceeding on the basis of the statement of the co-accused made while in custody.

Police filed charge sheet.

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 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 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.

The prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 1299 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)