

02.05.2023

Sl.4
Court No.29
(AD)
(Allowed)

C.R.M. (A) 1662 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gangarampur** Police Station Case No.**594 of 2022** dated **27.12.2022** under Sections **21(C)/22(C)/23(C)/27A/28/29** of the Narcotics Drugs and Psychotropic Substances Act, 1985.

And

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

....petitioners.

Ms. Jeenia Rudra

... for the petitioners.

Mr. Saibal Bapuli, Ld. APP

Mr. Soumik Ganguly

...for the State.

A report was called for by the order dated April, 20, 2023.

State at this stage is unable to demonstrate any nexus between the petitioners and the person arrested with the commercial quantity of narcotics and/or seized commercial quantity of narcotics. State, however, contends that prayer for anticipatory bail in respect of another police case was rejected by the High Court on June 10, 2021 in CRM 3054 of 2021. State also informs the Court that the petitioner was subsequently enlarged on bail by the High Court in such police case.

In view of the fact that 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 seized commercial quantity of narcotics and in view of the fact that the police are proceeding against the petitioners on the basis of the statement of the co-accused made while in custody, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners will report before the Investigating Officer once a week till the conclusion of the investigation 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.

Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 1662 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)