

15.05.2023

5  
Ct. No. 29  
**CHC**  
Allowed

**C.R.M.(A) 1797 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. **531** of **2022** dated **10.11.2022** under Sections **21(C)/22(C)/23(C)/27A/28/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Mukul Murmu & anr.

..... petitioners

Mr. Kaushik Choudhury,  
Ms. Bursa Khatun  
....for the petitioners

Mr. Sanjoy Bardhan,  
Ms. Debjani Dasgupta  
....for the State

Police are apparently proceeding against the petitioner on the basis of the statement of co-accused made while in custody.

We perused the report as called for by the order dated April 27, 2023.

The report does not demonstrate any nexus between the petitioners and the person arrested with commercial quantity of narcotics.

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 of the Act.

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 meet the Investigating Officer once in a week till the conclusion of 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.

This application for anticipatory bail is, thus, allowed.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**