

CRM (A) 5989 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 229 of 2022 dated 25.02.2022 under Sections 21(C)/29 of the NDPS Act.

-And-

In the matter of : **Maiju Sk @ Md. Maijur Sk. & Anr.**

... .. Petitioners

Mr. Sudip Banerjee, Advocate

... .. For the Petitioners

Mr. Madhusudan Sur, Id. APP

Mr. Manoranjan Mahata, Advocate

... ..For the State

Petitioners seek anticipatory bail.

Police filed charge-sheet.

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 the seized 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.

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) 5989 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)