

16.01.2023

Sl.9
Court No.29
(AD)
(Allowed)

C.R.M. (A) 6018 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Murutia** Police Station Case No. **297 of 2022** dated **09.12.2022** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

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

....petitioners.

Mr. Shekhar Kumar Basu, Ld. Sr. Advocate
Mr. Kusal Kumar Mukherjee
Mr. Diptangshu Basu

...for the petitioners.

Mr. Sanjoy Bardhan
Ms. Debjani Dasgupta

...for the State.

Petitioners pray for anticipatory bail.

Report as called for by the order dated January 2, 2023
filed in Court be taken on record.

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.

The police are proceeding against the petitioners on the basis of the statement of the co-accused while in custody.

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 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) 6018 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)