

CRM (A) 3790 of 2024

In Re: - An application for anticipatory bail under Section 482 of the B.N.S.S. 2023 corresponding to Section 438 of the Code of Criminal Procedure in connection with Hogalberia P.S. Case No. 227 of 2024 dated 12.9.2024 under Sections 20(b)(ii)(c)/25/29 of NDPS Act.

And

In the matter of: Sujoy Sharma & Anr.

Mr. Prabir Majumder

Mr. Snehansu Majumder

... for the petitioners

Mr. Sujan Chatterjee

...for the State

1. Heard the learned lawyers for both parties.
2. We have considered the materials on record. No narcotics was recovered from the petitioners. His complicity has transpired from statement of co-accused which is inadmissible in evidence.
3. In view of the aforesaid facts, we are of the opinion there is no legally admissible evidence connecting the petitioners with the crime and they have been able to rebut the statutory restrictions under Section 37 of the NDPS Act, we are inclined to grant anticipatory bail to the petitioners.
4. Accordingly, we direct in the event of arrest the petitioners shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the condition as laid down under Section 482(2) of the B.N.S.S. Petitioners shall appear before the Court below and pray for regular bail within a period of four weeks from date.
5. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)