

01.02.2024
DL.35
Court No.29
(AD)
(Allowed)

C.R.M. (A) 5079 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hili** Police Station Case No.**71 of 2023** dated **06.04.2023** under Sections **21(c)/22(c)/23(c)/27A** of the Narcotic Drugs and Psychotropic Substances Act, 1985. (NDPS Case No.32 of 2023).

And

In the matter of: **Soumesh Sarkar @ Pintu Sarkar & Anr.**
....petitioners.

Mr. Kaushik Choudhury
Ms. Busra Khatun
Mr. Avijit Kabir

...for the petitioners.

Mr. Swapan Banerjee
Mr. Anindya Sundar Chatterjee

... for the State.

Report as called for by the order dated January 24, 2024 filed in Court be taken on record.

Report does not speak about any nexus between the petitioners and the person arrested with the commercial quantity of narcotics and/or seized commercial quantity of narcotics.

Report also does not speak of any criminal antecedent so far as the petitioners are concerned.

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 fortnight 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) 5079 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)