

40 11.02.2020
ss Allowed

C.R.M. 1363 of 2020

In the matter of : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 06.02.2020 in connection with Dinhata P.S. Case No. 448 of 2018 dated 02.12.2018 under section 21(C) of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Rejjak Miah @ Ressak Miya

Mr. Apan Saha

... ... for the petitioner

Mr. Rudradipta Nandy

... ... for the State

Having considered the materials on record and bearing in mind the nature of allegations in the light of the submission that no narcotic substance was recovered from the possession of the petitioner and as his complicity has transpired from the statement of a co-accused before a police officer which is inadmissible in law, we are of the opinion that petitioner has been able to rebut the statutory restrictions under section 37 of the NDPS Act and he may be granted anticipatory bail.

Accordingly, we direct in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand only), 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. Petitioner shall appear before the Court below and hand over his passport, if any, within four week from date. In the event he does not have any passport, he shall personally appear before the Court below and furnish an affidavit to that effect within the time frame mentioned hereinabove.

This application for anticipatory bail is, thus, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)