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21-05-2021

Court 28

**C.R.M. 1656 of 2021
(Via Video Conference)**

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 1001 of 2020 dated 06.10.2020 under sections 21(C)/29 of the NDPS Act.

Barik Sk
Versus
State of West Bengal & Ors.

Allowed

Mr. Ali Ahsan Alamgir, Adv.

...for the petitioner.

Mr. Swapan Banerjee, Adv.

Mrs. Punima Ghosh, Adv.

...for the State.

The learned Counsel for the petitioner submits that the petitioner is innocent and nothing has been recovered from the possession of the petitioner. It is submitted that the petitioner has been falsely implicated in the instant case.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and submits that although, no contraband material has been recovered from the possession of the present petitioner, however, the name of the petitioner transpired during the interrogation of the principal accused.

In view of the fact that the petitioner was implicated on the basis of a statement of a co-accused which is a rebuttable presumption under Section 37 of the NDPS Act and also having regard to the fact that no contraband material has been recovered from the possession of the petitioner and also the fact that the charge-sheet has already been filed, we are of the opinion that there is no necessity of custodial interrogation of the petitioner in this case.

Accordingly, we direct that in the event of arrest, the petitioner namely, Barik Sk, shall be released on anticipatory bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, 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.

The application for anticipatory bail of the petitioner is allowed.

This order shall remain operative for a period of eight weeks within which time, the petitioner shall approach the jurisdictional court and pray for regular bail.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Soumen Sen, J.)