

30.09.2021

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Ct. No. 29

sdas

Allowed

C.R.M. 2455 of 2021
(via video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Baishnabnagar Police Station Case No. 534 of 2018 dated 19.10.2018 under Section 27(A) of the Drugs and Cosmetics Act.

And

In Re : Pradip Roy petitioner

Mr. Srijoy Sengupta
Mr. Saurav Roy
Mr. Ankush Ghosh
Mr. Narattam Acharyya

.....for the petitioner

Mr. Sanjoy Bardhan
Mr. Antarikhya Bose

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that no contraband was seized from the possession of the petitioner.

State is represented. Learned Advocate for the State submits that charges under the NDPS Act, 1985 can be brought against the petitioner given the nature of the contraband involved.

State is yet to initiate any proceedings under the NDPS Act against the petitioner. In any event no contraband was seized from the possession of the petitioner.

Since no contraband was recovered from the possession of the petitioner, we are of the view that the petitioner is able to rebut the statutory presumption under Section 37 of the NDPS Act.

Accordingly, we grant anticipatory bail to the petitioner.

Accordingly, we direct that 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 also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further conditions that the petitioner shall meet the investigating officer once in a fortnight until further orders and shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)

