

04.10.2021
tkm/ct 29
sl no. 40

C.R.M. 2591 of 2021

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Gangarampur P.S Case no. 201 of 2020 dated 24.6.2020 under sections 22(c)/ 23(c)/27A/28/29 of the NDPS Act

And

Allowed

In Re : Mojammel Hoque @ Muzammal Miya petitioner

Mr. M H Chowdhury

..... for the petitioner

Mr. S Bapuli

Mr. Arani Bhattacharya

..... for the State

Petitioner seeks anticipatory bail.

Learned advocate for the petitioner submits that the petitioner was falsely implicated on the basis of a statement of co-accused. No contraband was recovered from the possession of the petitioner. Police submitted charge sheet.

Learned advocate for the State opposes the prayer for anticipatory bail.

Considering the fact that no contraband was recovered from the possession of the petitioner, we are of the opinion that petitioner has been able to rebut the presumption under section 37 of the NDPS Act.

Since police submitted charge sheet, we are inclined to 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/- with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973. Petitioner shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

The application being CRM 2591 of 2021 is disposed of.

(Ananda Kumar Mukherjee, J.)

(Debangsu Basak, J.)