

04.10.2021
tkm/ct 29
sl no. 41

C.R.M. 3034 of 2021

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Mohanpur P.S Case no. 108 of 2020 dated 9.8.2020 under sections 20(ii)(c) of the NDPS Act

And

Allowed

In Re : Sujit Puhan @ Sujit Kumar Puhan petitioner

Mr. Sourav Chatterjee
Mr. S Das Mahapatra

..... for the petitioner

Mr. S Bardhan
Mr. Palash Ch Majhi

..... 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. A raid was conducted in the house of the petitioner where nil recovery was made. Police submitted charge sheet.

Learned advocate for the State opposes the prayer for anticipatory bail and submits that there are call record details of the mobile used by the accused who was apprehended to show that such accused was speaking with the petitioner on mobile.

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 3034 of 2021 is disposed of.

(Ananda Kumar Mukherjee, J.)

(Debangsu Basak, J.)