

CRM 3251 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Hili Police Station case no. 14 of 2021 dated 28.01.2021 under Sections 411/414/186/188/353/34 of the Indian Penal Code read with Sections 21(C)/22(C)/23(C)/27A/20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act.

In the matter of : **Kartick Das @ Sarkar**

..... petitioner

Mr. Kaushik Choudhury
Ms. Busra Khatoon

.....For the petitioner

Mr. Saibal Bapuli
Mr. Rudradipta Nandy
Mr. A. Bhattacharya

....For the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that no contraband was recovered from the possession of the petitioner. The petitioner was falsely implicated on the basis of the statement of the co-accused. In any event, the police submitted charge sheet and as such custodial interrogation is not required.

The State refers to the contents of the case diary.

Considering the fact that no contraband was recovered from the possession of the petitioner and that the petitioner is sought to be implicated on the basis of the statement of the co-accused only, we are of the view that the petitioner is able to overcome the presumptions under Section 37 of the NDPS Act, 1985.

Considering the fact that the police filed charge sheet, 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/- 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 and on further condition that he shall appear before the jurisdictional court on the dates fixed for trial and pray for regular bail within four weeks from date.

The application for anticipatory bail being C.R.M. 3251 of 2021 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)