

22.12.2021

Serial no. 03

Dd

(Through Video Conference)

CRM 4094 of 2021

In re : An Application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **314** of **2021** dated **16.03.2021** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985, read with section 25(i)(a)/35 Arms Act.

-And-

In the matter of : **Bapi Ghosh**

... Petitioner

Ms. Minoti Gomes, Advocate

... .. For the Petitioner

Mr. Sanjoy Bardhan,

Mrs. Manasi Roy, Advocate

... ..For the State

Affidavit as called for by order dated 30th November, 2021 is taken on record.

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. No contraband was recovered from the possession of the petitioner. She submits that since the police filed charge sheet, the custodial interrogation of the petitioner is no longer required.

Learned advocate appearing for the State submits that the petitioner was named by the co-accused from whom commercial quantity of heroine was seized.

Considering the fact that no contraband was seized from the possession of the petitioner and considering the fact that the petitioner is sought to be implicated on the basis of the statement of the co-accused, we are of the view that the

petitioner is able to rebut the presumptions under Section 37 of the NDPS Act, 1985. We, therefore, 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 condition that the petitioner shall appear before the Court below and pray for regular bail within a period of four weeks from date and on further condition that the petitioner shall appear before the jurisdictional court on every date fixed for hearing.

Prayer for anticipatory bail is **allowed**.

CRM 4094 of 2021 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)