

11.11.2021
Serial no.7
Aloke
Ct. No. 29

(Through Video Conference)

CRM 4248 of 2021

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 22.06.2021 in connection with Balurghat Police Station Case No. 491 of 2020 dated 09.12.2020 under Sections 411/414/188/224 of the Indian Penal Code read with Sections 21(C)/22(C)/23(C)/25/27A/28/29 of the NDPS Act and Sections 11(1)(d)/(c)/(f) of the Prevention of Cruelty of the Animals Act.

-And-

In the matter of : **Mittun Barman @ Mrityun Barman & Anr.**

... Petitioners

Mr. Kaushik Choudhury, Advocate

... .. For the Petitioners

Mr. Sanjay Bardhan, Advocate

Ms. Baishakhi Chatterjee, Advocate

... ..For the State

Having considered the fact that no contraband was recovered from the possession of the petitioners, we are of the view that the petitioners are able to rebut the presumption under Section 37 of the NDPS Act, 1985.

Having considered the materials in the case diary and having considered the fact that the police submitted charge-sheet, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall appear before the Court below and pray for regular bail within four weeks from date and with a further condition that the petitioners shall appear before the jurisdictional court on every date fixed for hearing.

The prayer for anticipatory bail is allowed.

CRM 4248 of 2021 is disposed of.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)