

07.10.2021
tkm/ct 29
sl no. 72

C.R.M. 4237 of 2021

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Balurghat P.S Case no. 371 of 2018 dated 1.11.2018 under sections 21(c)/ 22(c)/ 23(c)/25/27A/28/ 29 of the NDPS Act

And

Allowed

In Re : Goutam Mali @ Sarkar petitioner

Mr. K Choudury

..... for the petitioner

Mr. Saryati Datta

..... for the State

Petitioner seeks anticipatory bail.

Learned advocate for the petitioner submits that the 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 4237 of 2021 is disposed of.

(Ananda Kumar Mukherjee, J.)

(Debangsu Basak, J.)