

08.10.2021

19

Ct. No. 29

KAUSHIK

Allowed

C.R.M. 4332 of 2021
(via video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Rejinagar** Police Station Case No. **236** of **2020** dated **22.08.2020** under Sections 20(b)(ii)(B)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Marfat Sk.

..... petitioner

Mr. Tapodip Gupta

....for the petitioner

Mr. Sanjay Bardhan

Mr. Palash Chandra Majhi

....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.

Learned advocate appearing for the State submits that, the police submitted charge-sheet against the petitioner showing him as an absconder.

Considering that no contraband was recovered from the possession of the petitioner, we are of the view that the petitioner is able to rebut the presumption under Section 37 of the NDPS Act, 1985. Since, the police submitted 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 be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner shall appear before the jurisdictional court on every date fixed and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)