

08.10.2021
Serial no. 47
Aloke
Ct. No. 29

(Through Video Conference)

CRM 4521 of 2021

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 29.06.2021 in connection with Kaliachak Police Station Case No. 38 of 2021 dated 09.01.2021 under Sections 21 (c)/29 of the NDPS Act.

-And-

In the matter of: Asraful Khan @ Saraful Khan

... Petitioner

Mr. Krishnendu Bhattacharya, Advocate

Mr. Priyankar Ganguly, Advocate

... ... For the Petitioners

Mr. Swapan Banerjee, Advocate

Ms. Purnima Ghosh, Advocate

... ...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 roped in on the basis of a statement made by a co-accused.

State is represented.

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.

Considering the complicity of the petitioner, 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 anticipatory 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 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 jurisdictional court and pray for regular bail within four weeks

from date and with a further condition that the petitioner shall appear before the investigating officer once in a month until further orders.

The prayer for anticipatory bail is allowed.

CRM 4521 of 2021 is disposed of.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)