

30.11.2021

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Ct. No. 29

KAUSHIK

Allowed

C.R.M. 4563 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hili** Police Station Case No. **116** of **2021** dated **13.06.2021** under Sections 21(c)/22(c)/23(c)/27A of the Narcotic Drugs and Psychotropic Substances Act read with Section 14A(b)/14(C) of the Foreigner Act.

And

In Re : Paritosh Sarkar @ Gabbar

..... petitioner

Mr. Kaushik Choudhury

....for the petitioner

Mr. Sanjoy Bardhan

Ms. B. Chatterjee

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioner was falsely implicated on the basis of a statement of co-accused. No contraband was recovered from the possession of the petitioner.

Learned advocate appearing for the State draws the attention of the Court to the contents of the case diary. He submits that, the investigations are in progress.

The police complaint was lodged on June 13, 2021. Sufficient time has elapsed in the case for the police to come up with some material to establish the nexus between the petitioner and the co-accused. The case diary, as on date,

apparently does not contain any such material apart from the statement of the co-accused.

Considering the fact that the petitioner was implicated on the basis of statement of the co-accused while he was in custody and considering the fact 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. Consequently, 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 further condition that the petitioner shall meet the Investigating Officer once a month till the conclusion of the investigation 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.)

(Bibhas Ranjan De, J.)

