

78 01.12.2021
S.M
Court No.29
(Allowed)

C.R.M. 4735 of 2021
(Via Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 14.07.2021 in connection with **Chapra** P.S. Case No. **42 of 2021** dated **27/01/2021** under Sections **21(C)/29** of Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: Bablu Garai

....petitioner.

Mr. Souvik Mitter
Mr. Pradyut Saha
Mr. Sumonto Das

...for the petitioner.

Ms. Debjani Sahu

...for the State.

Petitioner seeks anticipatory bail.

Learned Advocate appearing of the petitioner submits that no contraband was recovered from the possession of the petitioner. The petitioner was falsely implicated on the basis of the statement of the co-accused. The police in any event filed charge-sheet and, therefore, custodial interrogation of the petitioner is not required.

Learned advocate appearing for the State submits that an warrant of arrest was issued against the petitioner.

Considering the fact that no contraband was seized from the possession of the petitioner and considering the facts that the petitioner is sought to be implicated only on the basis of statement of the co-accused, we are of the view, that the petitioner is able to rebut the presumptions under Section 37 of the NDPS Act, 1985.

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 and on further condition that the petitioner shall appear before the jurisdictional Court on the dates fixed for trial and pray for regular bail within four weeks from date.

The application for anticipatory bail being C.R.M. 4735 of 2021 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)