

88 13.12.2021
(AD)
Court No.28
(Allowed)

**C.R.M. 4762 of 2021
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hili** P.S. Case No. **129 of 2021** dated **29/06/2021** under Sections **21(c)/22(c)/23(c)/27A** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: Surajit Roy @ Bura

....petitioner.

Mr. Kaushik Choudhury

...for the petitioner.

Mr. Madhusudan Sur, Ld. APP
Mr. Dipankar Paramanick

...for the State.

It is contended on behalf of the petitioner that no narcotic substance was recovered from the possession of the petitioner. He has been falsely implicated in the instant case.

Learned lawyer for the State submits that he was dealing in narcotics alongwith co-accused persons.

We have considered the materials on record. No narcotic substance was seized from the possession of the petitioner. His complicity has transpired from the statement of the co-accused before police officer which is inadmissible in evidence.

Under such circumstances, we are of the opinion that the petitioner is able to rebut the restrictions under Section 37 of the NDPS Act, 1959 and he may be granted anticipatory bail.

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.

The petitioner shall appear before the Court below and pray for regular bail within four weeks from date.

The application for anticipatory bail being C.R.M. 4762 of 2021 is, thus, disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)