

16.12.2021
Sl. No.23
akd
[ALLOWED]

C. R. M. 4760 of 2021

[via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 12.07.2021 in connection with Balurghat Police Station Case No. 327 of 2020 dated 27.08.2020 under Sections 21(c)/22(c)/23(c)/25/27A/28/29 of the NDPS Act.

And

In Re: ***Ratan Chouhan***

... .. Petitioner

Mr. Kaushik Choudhury

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

It is submitted on behalf of the petitioner that no narcotic substance was recovered from his possession.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioner was dealing in narcotic substance above commercial quantity.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner and his complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Under such circumstances, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. Hence, we are inclined in granting anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Ratan Chouhan***, be released on 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 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 court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)