

64. 16.11.2021

Ct.29

Tanmoy

Allowed

C.R.M. 4946 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **22/07/2021** in connection with **Hili Police Station Case No. 14 of 2021** dated **28/01/2021** under Sections **411/414/186/188/353/34** of the Indian Penal Code read with Sections **21(C)/22(C)/23(C)/27A/20(b)(ii)(c)** N.D.P.S. Act, 1985.

And

In the matter of: - **Ananta Das @ Anantra & Anr.**

...petitioners.

Ms. Busra Khatoon

...for the petitioners

Mr. Saibal Bapuli, Ld. A.P.P.,
Mr. Bibaswan Bhattacharya

...for the State.

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that no contraband was recovered from the possession of the petitioners. The petitioners are sought to be implicated on the basis of the statement of the co-accused, which does not have any evidentiary value.

Learned Advocate for the State submits that investigation is ongoing on the basis of statement of the co-accused. At present there is no other material against the petitioner.

Considering the materials in the Case Diary and considering the fact that no contraband was recovered from the possession of the petitioners and also considering the fact that the petitioner is sought to be implicated on the basis of the statement of the co-accused, we are of the view that, the petitioners are able to rebut the presumption under Section 37

of the Narcotic Drugs and Psychotropic Substances Act, 1985. Consequently, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a Bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and shall abide by the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall report before the Investigating Officer once a month until further orders.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. 4946 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)