

76. 16.11.2021

Ct.29

Tanmoy

Allowed

C.R.M. 5008 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **26/07/2021** in connection with **Gangarampur Police Station Case No. 247 of 2021** dated **04/07/2021** under Sections **22(C)/23(C)/27A/28/29** of the N.D.P.S. Act, 1985.(Special Case No. 56 of 2021).

And

In the matter of: - **Rupatan @ Upatan Roy**

...petitioner.

Ms. Busra Khatoon

...for the petitioner

Mr. Saibal Bapuli, Ld. A.P.P.,
Mr. Soumik Ganguli

...for the State.

Petitioner seeks anticipatory bail.

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

Learned Advocate appearing for the State draws attention of the Court to the contents of the case diary.

Considering the fact that no contraband was seized from the possession of the petitioner and 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 petitioner is able to rebut the presumption under Section 37 of the Narcotic Drugs and Psychotropic Substances 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, 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 petitioner shall report before the Investigating Officer once a month until further orders.

In case the petitioner fails 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. 5008 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.)