

02.12.2021

Court No.29
Item No.81
(Allowed)

Saswata
(Assistant
Registrar)
(Court)

CRM 5358 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Hili Police Station Case No. 14 of 2021 dated 28.01.2021 under Sections 21(C)/22(C)/23(C)/27A/20(b)(ii)(c) of the NDPS Act.;

And

In the matter of : **Rana Das @ Rana Sarkar**
...Petitioner

Ms. Busra Khatun
...For the Petitioner

Mr. Sanjay Bardhan
Mr. Nirupam Dhali
...For the State.

The petitioner seeks anticipatory bail, inter alia on the ground of parity with that of the co accused who was granted anticipatory bail on December 1, 2021 in CRM 3251 of 2021.

Learned advocate appearing for the petitioner submits that no narcotics was seized from the petitioner. The petitioner was falsey implicated on the basis of the statement of the co accused. The police filed charge sheet.

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

Considering the fact that the co accused, who was similarly placed as that of the petitioner was granted anticipatory bail on December 1, 2021 in CRM 3251 of 2021 and considering the fact that no contraband was seized from the possession of the petitioner and that the petitioner was 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 presumptions under Section 37 of the NDPS Act, 1985 and we grant anticipatory bail to the petitioner.

The prayer for anticipatory is, thus, ***allowed.***

Accordingly, we direct that in the event of arrest, the petitioner shall 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 petitioners shall appear before the jurisdictional Court on every date fixed and pray for regular bail within a period of four weeks from date.

(Debangsu Basak, J.)

(Bibahas Ranjan De, J.)