

60 03.12.2021
(AD)
Court No.29
(Allowed)

**C.R.M. 5571 of 2021
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 17.08.2021 in connection with **Kumarganj** P.S. Case No. **81 of 2020** dated **28/05/2020** under Sections **21(C)/22(C)/23(C)/27A** of the Narcotic Drugs and Psychotropic Substances Act (corresponding G.R. Case No.450 of 2020 and Special Case No.33 of 2020).

And

In the matter of: Obul Hossain @ Doa @ Rabiul Sarkar @ Rabiul Hossein

....petitioner.

Ms. Busra Khatun

...for the petitioner.

Mr. Saryati Datta

...for the State.

Petitioner seeks anticipatory bail.

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

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

Considering the fact that no narcotic was seized from the possession of the petitioner and considering the fact that the petitioner was sought to be implicated on the basis of the statement of the co-accused and considering the fact that the police submitted charge sheet, we are of the view that the petitioner is able to rebut the presumptions under Section 37 of the NDPS Act, 1985, 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 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 jurisdictional Court on the dates fixed for trial and pray for regular bail within four weeks from date.

The application for anticipatory bail being C.R.M. 5571 of 2021 is, thus, disposed of.

(Debangsu Basak, J.)

(Krishna Rao, J.)