

24.11.2021
Serial no. 79
Dd

(Through Video Conference)

CRM 5489 of 2021

In re : An Application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure in connection with **N.D.P.S. Case No. 03 of 2021** arising out of **Madhyamgram** Police Station Case No. **512** of **2020** dated **27.12.2020** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

-And-

In the matter of : **Golam Mostafa**

... Petitioner

Ms. Sreyashee Biswas, Advocate
... .. For the Petitioner

Mr. Saryati Datta Advocate
... ..For the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. The chemical report of the contraband seized came as negative.

Learned advocate appearing for the State submits that although first chemical report was negative, a second sample was sent which also came as negative. The police are preparing to file final report before the jurisdictional Court.

Considering the facts and circumstances of the present case as noted above, we are of the view that the petitioner is in a position to rebut the presumption under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985. Consequently, we are inclined to 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/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer and 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 and on a further condition that the petitioner shall meet the Investigating Officer as and when called for.

Prayer for anticipatory bail is **allowed**.

CRM 5489 of 2021 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)