

**25.11.2021**

**Serial no. 78**

Dd

**(Through Video Conference)**

**CRM 5546 of 2021**

In re : An Application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure in connection with **Bhagwangola** Police Station Case No. **23** of **2021** dated **12.01.2021** under Sections **188/353** of the Indian Penal Code and Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act.

**-And-**

In the matter of : **Rohim Sk.**

**... Petitioner**

Mr. Jisan Iqbal Hossain, Advocate  
... ... For the Petitioner

Mr. Sanjoy Bardhan  
Mr. Ranadeb Sengupta, Advocates  
... ...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 contraband was recovered from the possession of the petitioner.

Learned advocate appearing for the State submits that there are criminal antecedents of the petitioner - two criminal cases under the Foreigner Act are pending and one under NDPS Act, 1985. He submits that the police filed charge sheet showing the petitioner as an absconder. There is warrant of arrest issued against the petitioner.

Considering the materials in the case diary and considering the fact that no contraband was recovered from possession of the petitioner and considering the fact that the petitioner is sought to be roped into the case only on the basis of the statements of the co-accused, we are of the view

that the petitioner is able to rebut the presumption under Section 37 of the NDPS Act, 1985. Considering that the police filed charge sheet, 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 further condition that the petitioner shall appear before the jurisdictional Court on every date fixed for hearing.

Prayer for anticipatory bail is **allowed**.

CRM 5546 of 2021 is **disposed of**.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**