

21.12.2021.
UNLISTED
Saswata
(Allowed)

C.R.M. 5578 of 2021

In Re:- An application for bail under Section 438 of the Code of Criminal Procedure filed in connection with Baishnabnagar P.S. Case No.805 of 2016 dated 09.10.2016 under Sections 21(C)/29 of the NDPS Act.

In the matter of : Chand Sk.

... Petitioner.

Mr. Mrityunjoy Chatterjee

...For the Petitioner.

Mr. S. S. Imam

Ms. Sonali Bhar

.....For the State.

On the consent of the parties the matter is taken up for hearing by treating it as on the day's list.

Report is placed on record. Investigating Officer is present in person today in Court. He submits the report.

Learned lawyer for the petitioner submits no narcotic substance was recovered from his possession. He is also not the owner of the vehicle which was used to transport narcotics.

Learned lawyer for the State submits further investigation is in progress to trace out the owner of the vehicle which was used to transport narcotics.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner. The petitioner is not the owner of the vehicle, which was used to transport narcotics. Under such circumstances, we are of the opinion that the petitioner has been able to rebut the restrictions under Section 37 of the

N.D.P.S. Act and he may be granted anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner be released on bail upon furnishing a Bond of Rs. 10,000/- (Rupees Ten thousand only), with two sureties of like amount each one of whom must be local, to the satisfaction of the arresting officer and on further condition that the petitioner while on bail shall meet the investigating officer once in a week or until further orders 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 Court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is disposed of.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)