

CRM 5809 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Balurghat** Police Station case no. **389 of 2020** dated **07/10/2020** under Sections **21(c)/22(c)/23(c)/25/27A/28/29** of the Narcotic Drugs and Psychotropic Substances Act.

In Re : Bikanu Barman @ Bikarna Barman & anr.

... petitioners.

Ms. Busra Khatoon,

.....for the petitioners

Mr. Binoy Panda,

Mr. Subham Bhakat,

Ms. Puspita Saha,

....for the State

Petitioners seek anticipatory bail.

Learned counsel for the petitioners submits that the petitioners were falsely implicated on the basis of the statement of the co-accused. The police filed charge-sheet and therefore, custodial interrogation of the petitioners is not required.

Learned counsel for the State draws the attention of the Court to the contents of the case diary.

Considering the fact that no contraband was recovered from the possession of the petitioners, we are of the view that the petitioners are able to rebut the presumption under Section 37 of the NDPS Act, 1985 and considering the fact that, police has filed charge-sheet, we grant the anticipatory bail to the petitioners.

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 be 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 for trial. .

The application for anticipatory bail is, accordingly, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)