

22.09.2021
Sr. no. 40
Aloke
Ct. 29

(Through Video Conference)

CRM 6200 of 2021

In re: An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 14.09.2021 in connection with Jalangi Police Station Case No. 40 of 2021 dated 21.02.2021 under Sections 21 (C)/29 of the NDPS Act.

-And-

In the matter of : **Rakibul Biswas @ Rakhibul Biswas
@ Rocky**

...Petitioner

Mr. Tapodip Gupta, Advocate

... ... for the Petitioner

Mr. Ranadeb Sengupta, Advocate

... ...for the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. Nothing was recovered from the possession of the petitioner.

Learned Advocate appearing for the State submits that the accused from whose possession, commercial quantity of phensedyl and narcotic was seized named the petitioner as associates.

Considering the facts and circumstances of the case and the fact that nothing was recovered from the possession of the petitioner and the fact that the petitioner figured from 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. Therefore, and considering that the police submitted 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 anticipatory 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 condition that petitioner shall appear before the Court below and pray for regular bail within four weeks from date. Petitioner shall also appear before the jurisdictional court on every date fixed for hearing until further order.

The prayer for anticipatory bail is, thus, allowed.

CRM 6200 of 2021 is disposed of.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)