

09.11.2021

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Ct. No. 29

KAUSHIK

Allowed

C.R.M. 6488 of 2021
(via video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Berhampore** Police Station Case No. **790** of **2021** dated **30.07.2021** under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : Majim Sk @ Sk. Abdul Majim & Anr.

..... petitioners

Mr. Arnab Chatterjee

....for the petitioners

Mr. Ranabir Roychowdhury

Mr. Mainak Gupta

....for the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that, no contraband was recovered from the possession of the petitioner. The petitioner was falsely implicated.

Learned advocate appearing for the State refers to 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 have rebutted the presumption under Section 37 of the NDPS Act, 1985. Considering the materials in the case diary, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 conditions that the petitioners shall meet the investigating officer once in a fortnight until further orders and on condition that the petitioners shall appear before the jurisdictional court on every date fixed and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)