

01.10.2021

450

Ct. No. 29

KAUSHIK

Allowed

C.R.M. 6596 of 2021
(via video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gangarampur** Police Station Case No. **137** of **2020** dated **03.05.2020** under Sections 21(c)/27A of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Chuha Mia @ Ainur Rahaman

..... petitioner

Ms. Busra Khatoon

.....for the petitioner

Mr. Binoy Kumar Panda

Mr. Subham Bhakat

Ms. Puspita Saha

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, no contraband was recovered from the possession of the petitioner. Another co-accused was granted anticipatory bail by a Coordinate Bench.

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

Considering that no contraband was recovered from the possession of the petitioner and that a Coordinate Bench has granted anticipatory to a co-accused on the same footing on July 29, 2021 we are of the view that the petitioner is able to

rebut the presumption under Section 37 of the NDPS Act, 1985. Considering the fact that the police submitted charge-sheet, we 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/-, 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 condition that the petitioner 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.)