

50 08.11.2021
(AD)
Court No.29
(Allowed)

**C.R.M. 6622 of 2021
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 30.09.2021 in connection with **Islampur** P.S. Case No. **740 of 2020** dated **21/11/2020** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: Bhupen Mondal

....petitioner.

Mr. Jisan Iqubal Hossain

...for the petitioner.

Mr. Ranadeb Sengupta

...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. The petitioner was falsely implicated on the basis of false statement made by a co-accused.

Learned Advocate appearing for the State submits that 440 bottles of phensedyl was recovered from the co-accused who knew the petitioner.

Considering the fact that no contraband was recovered from the petitioner, we are of the view that the petitioner is able to repel 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that he shall appear before the jurisdictional Court on the dates fixed for trial and pray for regular bail within four weeks from date.

The application for anticipatory bail being C.R.M. 6622 of 2021 is, thus, disposed of.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)