

11.11.2021

CRM 6872 of 2021

court no. : 28
Item no. : PB-20
matter : 438
status : ALLOWED
transcriber : nandy

In Re:- An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure filed on 25.10.2021 in connection with Berhampore Police Station Case No. 264 of 2021 dated 16.03.2021 under Sections 22(c)/29 of the Narcotic Drugs & Psychotropic Substances Act.

and

In the matter of: **Ramesh Kumar Giri**

.....Petitioner

Mr. Anand Keshri, Advocate

Mr. Sekhar Mukherjee, Advocate

.....for the Petitioner

Mr. Saryati Datta, Advocate

.....for the State

Apprehending arrest in connection with Berhampore Police Station Case No. 264 of 2021 dated 16.03.2021 under Sections 22(c)/29 of the Narcotic Drugs & Psychotropic Substances Act, the petitioners have filed the instant application for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner has been shown as an accused in the chargesheet submitted by the Investigating Officer though there was no recovery of contraband above the commercial quantity from his possession. He further submits that the petitioner was not at the spot when the raid was conducted. He has been falsely implicated simplicitor on the basis of the statement of a co-accused.

Learned Advocate for the State opposes the prayer for bail and submits that the offending vehicle appears to be owned by the petitioner and for such reason he is being transpired in the chargesheet.

After hearing the respective Counsel and after perusing the materials-on-record, we find that the that the petitioner has been implicated in the instant case on the basis of the statement of a co-accused which is inadmissible under Section 25 of the Narcotic Drugs & Psychotropic Substances Act, at this stage. Furthermore, there is no recovery of contraband above the commercial quantity from the exclusive or joint possession of the petitioner. Therefore, the rigor of Section 37 of the NDPS Act is not attracted. We thus feel that it is a fit case for granting anticipatory bail to the petitioner.

Thus, the prayer for anticipatory bail is **allowed**.

Accordingly, in the event of arrest the petitioner namely, **Ramesh Kumar Giri**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) , with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer, on condition as laid down under Section 438(2) of the Code of Criminal Procedure.

The application for anticipatory bail being **CRM 6872 of 2021** is thus **disposed of**.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)

