

11.11.2021

37

Ct. No. 29

KAUSHIK

Allowed

C.R.M. 7215 of 2021
(via video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **198** of **2021** dated **19.02.2021** under Sections 22(C)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Zimber Ali

..... petitioner

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmik

....for the petitioner

Mr. Saibal Bapuli

Mr. Bibaswan Bhattacharya

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated on the basis of a statement of a co-accused. No contraband was recovered from the possession of the petitioner.

Learned advocate appearing for the State submits that, narcotics of commercial quantity was recovered from the possession of the co-accused, who named the petitioner. The investigations are yet to be concluded. In answer to a query of the Court, learned advocate appearing for the State submits that, although the investigations are in progress, as on date,

there is hardly any material to connect the petitioner with that of the co-accused.

Considering the materials in the case diary and considering the fact that no contraband was recovered from the possession of the petitioner, 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 there is hardly any material to connect the petitioner with that of the co-accused, 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 further conditions that the petitioner shall meet the investigating officer once in a month until further orders 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.)

