

16.11.2021

Serial no. 18

Dd

(Through Video Conference)

CRM 7224 of 2021

In re : An Application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure in connection with **NDPS Case no. 22/2021** arising out of **Raninagar** Police Station Case No. **36** of **2021** dated **20.01.2021** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

-And-

In the matter of : **Babu Sk.**

... Petitioner

Mr. Tapodip Gupta, Advocate

... ... For the Petitioner

Mr. Binay Panda,

Ms. Puspita Saha,

Mr. Subham Bhakat, Advocates

... ...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. In any event, the police filed charged sheet and, therefore, custodial interrogation of the petitioner is not required.

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

Considering the fact that no contraband was recovered from the possession of the petitioner and considering the fact that the petitioner is sought to be implicated on the basis of a statement of a co-accused, we are of the view that the petitioner is able to rebut the presumption under Section 37 of the NDPS Act, 1985 and

considering the fact that police submitted charge sheet, we are inclined to 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/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the Court below and pray for regular bail within four weeks from date and on a further condition that the petitioner shall appear before the jurisdictional Court on every date fixed for hearing.

Prayer for anticipatory bail is **allowed**.

CRM 7224 of 2021 is **disposed of**.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)