

16.11.2021
Serial no.25

Aloke
Ct. No. 29

(Through Video Conference)

CRM 7278 of 2021

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 08.11.2021 in connection with Berhampore Police Station Case No. 264 of 2021 dated 16.03.2021 under Sections 22(c)/29 of the NDPS Act.

-And-

In the matter of : **Sadek Ali @ Sad Ali @ Saad Ali**
... Petitioner

Mr. Anisur Rahman, Advocate

... .. For the Petitioner

Mr. Sudip Ghosh, Advocate

Mr. Bitasok Banerjee, Advocate

... ..For the State

Having heard the learned Advocate appearing for the petitioner and the State and having considered the fact that no contraband was seized from the possession of the petitioner and having considered the fact that the police filed charge-sheet and having considered the fact that the petitioner sought to be roped in on the basis of the statement of the co-accused, we are of the view that the petitioner is able to rebut the presumption under Section 37 of the NDPS Act. Accordingly, 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 with a further condition that the petitioner shall appear before the Court below and pray for regular bail within four weeks from date and with a further condition that the petitioner shall appear before the jurisdictional court on every date fixed for hearing.

The prayer for anticipatory bail is allowed.

CRM 7278 of 2021 is disposed of.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)