

23.11.2021

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Ct. No. 29

KAUSHIK

Allowed

C.R.M. 7384 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jalangi** Police Station Case No. **168** of **2021** dated **22.06.2021** under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Rasikul Sk. @ Rasikul Islam

..... petitioner

Mr. Jishan Iqubal Hossain

....for the petitioner

Mr. Navanil De

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioner was falsely implicated. No contraband was recovered from the possession of the petitioner.

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

Considering the fact that no narcotics was recovered from the possession of the petitioner and considering the fact that the name of the petitioner transpires from the 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. Considering the materials in the case diary, 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 condition that the petitioner shall meet the Investigating Officer once in a week till the conclusion of the investigation 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.)

(Bibhas Ranjan De, J.)