

(Through Video Conference)

CRM 7869 of 2021

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 25.11.2021 in connection with Berhampore Police Station Case No. 790 of 2021 dated 30.07.2021 under Sections 22(c)/29 of the NDPS Act.

-And-

In the matter of : **Asmat Sk @ Mohammad Asmot Sk @
Ashmat Sekh**

... ...Petitioner

Mr. Tapodip Gupta, Advocate

... ... For the Petitioner

Mr. Ranadeb Sengupta, Advocate

... ... For the State

Petitioner seeks parity with that of other co-accused granted anticipatory bail on September 29, 2021 in CRM 6349 of 2021. He submits that no recovery was made from the possession of the petitioner. The petitioner was sought to be implicated on the basis of the statement of the co-accused.

Learned Advocate appearing for the State submits that the investigations are still in progress.

Considering the fact that the application was lodged on July 30, 2021 and considering the fact that two other co-accused stands on the same footing who were granted anticipatory bail on September 29, 2021 in CRM 6349 of 2021 and considering the fact that no contraband was recovered from the possession of the petitioner and considering the fact that the petitioner was 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 presumptions under Section 37 of the NDPS Act, 1985.

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 meet the Investigating Officer once in a month till the conclusion of the investigation and on further condition that the petitioner shall appear before the jurisdictional Court and pray for regular bail within four weeks from date.

The prayer for anticipatory bail is allowed.

CRM 7869 of 2021 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)