

21.12.2021
Item no.33.
Court No.28.
AB

(Via Video Conference)

CRM No. 8314 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Raghunathganj Police Station Case No.592 of 2021 Dated 16.09.2021 under Sections 21(b)/29 of the NDPS Act

And

In the matter of : Rajesh Sk.

.....Petitioner.

Mr. Tapodip Guptafor the Petitioner.

Mr. Binay Kr. Panda,
Ms. Puspita Sahafor the State.

It is submitted on behalf of the petitioner that no narcotic substance was recovered from him. Petitioner prays for anticipatory bail.

Learned lawyer appearing for the State opposes the prayer for anticipatory bail and submits that the petitioner was dealing in narcotic substance with co-accused persons.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner. His complicity transpired from the statement of co-accused before police officer which is inadmissible in evidence.

Under such circumstances, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and he may be granted anticipatory bail.

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 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 appear before the court below and pray for regular bail within a period of four weeks from date.

The application for anticipatory bail is, thus, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)