

21.12.2021.
70.
Saswata

C.R.M. 8482 of 2021

In Re:- An application for bail under Section 438 of the Code of Criminal Procedure filed in connection with Suti P.S. Case No.230 of 2021 dated 22.06.2021 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Jony Sk. @ Kattu @ Joni Sk.
... Petitioner.

Mr. T. Gupta
...For the Petitioner.

Mr. Tapandeb Nandy
Mr. Antarikya Basu
.....For the State.

It is submitted on behalf of the petitioner no narcotic substance was recovered from his possession.

Learned lawyer for the State opposes the prayer for bail.

Having considered the materials on record and bearing in mind the fact that the complicity of the petitioner had transpired from the statement of the co-accused before police officer, which is inadmissible in evidence, we are of the opinion that the petitioner has been able to rebut the restrictions under Section 37 of the N.D.P.S. Act. Hence, we are inclined to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail is thus allowed.

Accordingly, we direct that in the event of arrest, the petitioner be released on bail upon furnishing a Bond of Rs. 10,000/- (Rupees Ten thousand only), with two sureties of like amount each one of whom must be local, to the

satisfaction of the arresting officer and also 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.

The application for anticipatory bail is, thus, disposed of.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)