

23.12.2021  
Serial no.21

Aloke  
Ct. No. 29

**(Through Video Conference)**

**CRM 8525 of 2021**

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 14.12.2021 in connection with Kaliachak Police Station Case No. 743 of 2020 dated 25.09.2020 under Sections 21(C)/29 of the NDPS Act.

-And-

In the matter of : **Jahangir Saikh**

**... ...Petitioner**

Mr. Joy Chakraborty, Advocate

... ... For the Petitioner

Mr. Sanjay Bardhan, Advocate

Mr. Palash Majhi, Advocate

... ... For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that no contraband was seized from the possession of the petitioner and that the petitioner was falsely implicated on the basis of the statement of the co-accused. He submits that the police filed charge-sheet, therefore, custodial interrogation of the petitioner is not required.

Learned Advocate appearing for the State draws the attention of the Court to the contents in the case diary

Considering the facts that no contraband was recovered from the possession of the petitioner and that the petitioner was sought to be implicated on the basis of the statement of the co-accused and the fact that police filed charge-sheet, 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 appear before the Court below and pray for regular bail within four weeks from date and on further condition that the petitioner shall appear before the Court below on every date fixed for hearing.

The prayer for anticipatory bail is allowed.

CRM 8525 of 2021 is disposed of.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**