

19.03.2021

Item no. 126

Ct.04

PG

C.R.M. No.11223 of 2020

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Gangarampur Police Station Case No. 406 of 2020 dated 19.11.2020 under Sections 21(c)/22(c)/23 (c)/25/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of:- Babu Mia @ Faizuddin Mia.....petitioner

Mr. Mazhar Hossain Chowdhury

Mr. Suman Karmakar

Ms. Arina Bhattacharjee.....for the petitioner

Mr. Anwar Hossain

Ms. Ratna Ghosh ..for the State

The present application under section 438 of the Code of Criminal Procedure filed at the instance of Babu Mia @ Faizuddin Mia is taken up for hearing and order.

It is submitted on behalf of the petitioner that no recovery has been made from him and his name has transpired from statement of co-accused.

The State opposes the prayer for anticipatory bail and produces the case diary.

It appears that no recovery of contraband article has been made from the petitioner and his name transpired from statement of the co-accused and other witnesses. In view of the same, we are of the opinion that petitioner has been able to rebut the statutory

restrictions under section 37 of the NDPS Act and we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on anticipatory bail upon furnishing bond of Rs. 10,000/- (Rupees Ten Thousand) only with two sureties of like amount 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.

The application for anticipatory bail is, accordingly, allowed.

C.R.M. 11223 of 2020 is disposed of.

(Arindam Sinha, J.)

(Suvra Ghosh, J.)