

25.01.2022
Sl. 54
Court No.29
pg.
(Allowed)

**CRM (A) 123 of 2022
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bhagwangola** P.S. Case No. **32 of 2021** dated **17/01/2021** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: Anikul Sk.

....petitioner.

Mr. Jisan Iqubal Hossain

...for the petitioner.

Mr. Sanjoy Bardhan
Ms. Baishakhi Chatterjee

...for the State.

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that no narcotic was seized from the possession of the petitioner. The petitioner was sought to be falsely implicated on the basis of the statement of a co-accused in custody. The police have been filed charge-sheet.

Learned advocate appearing for the State submits that the promulgation of warrant of arrest was issued against the petitioner which is yet to be executed.

Considering the fact that no narcotic was seized from the possession of the petitioner and that the petitioner was sought to be implicated on the basis of the co-accused in custody and considering the fact that the 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. Consequently, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs.10,000/- with two sureties of like amount each 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 jurisdictional Court on the dates fixed for trial and pray for regular bail within four weeks from date.

The application for anticipatory bail being CRM(A) 123 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)