

21.03.2022

Sl. 98
Court No.29
suvayan
(Allowed)

CRM (A) 758 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kumarganj** P.S. Case No. **212 of 2017** dated **02/11/2017** under Sections **21/22/23** of the NDPS Act.

And

In the matter of: Bipul Barman

....petitioner.

Ms. Busra Khatoon

...for the petitioner.

Mr. Saibal Bapuli

Mr. Arani Bhattacharyya

...for the State.

Petitioner seeks anticipatory bail.

Considering the fact that that police filed charge-sheet and considering the fact that no narcotic was recovered from the possession of the petitioner and considering the fact that the police are yet to establish any nexus between the petitioner and the co-accused arrested with the commercial quantity of narcotic, at this stage, and considering the fact that the police are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody, we are of view that the petitioner is able to overcome the restrictions under Section 37 of the Narcotic Drugs and Psychotropic Substances 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/- (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 on condition that the

petitioner shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 758 of 2022 is, thus disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)