

4 07.03.2022
(AD)
Court No.29

C.R.M. (A) 910 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Berhampore** P.S. Case No.**155 of 2022** dated **05/02/2022** under Sections **22(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Selim Sk. & Anr.

....petitioners.

Mr. Niladri Sekhar Ghosh
Mr. Tapodip Ghosh

...for the petitioners.

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

...for the State.

Petitioners seek anticipatory bail.

A report as called for by the order dated February 23, 2022 filed in Court be taken on record.

The report does not disclose any nexus between the co-accused arrested with the commercial quantity of narcotics and the petitioner no.2 herein. It is claimed by the co-accused in a statement made while in custody that the petitioner no.2 is a business partner of such co-accused.

Considering the fact that no narcotic was recovered from the possession of the petitioners and considering the fact that the police is proceeding against the petitioner no.2 on the basis of the statement of the co-accused made while in custody and considering the fact that the police are unable to establish any nexus between the co-accused arrested with the commercial

quantity of narcotics and the petitioner no.2 at this stage, we are of the view that the petitioner no.2 is able to rebut the presumptions under Section 37 of the NDPS Act, 1985. Consequently, we grant anticipatory bail to the petitioner no.2, namely, Manik Mandal.

The petitioner no.1, namely, Selim Sk., was already arrested. Consequently, his prayer for anticipatory bail was dismissed as not pressed on February 23, 2022.

Accordingly, we direct that in the event of arrest, the petitioner no.2 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 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 no.2 shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and that the petitioner no.2 shall appear before the jurisdictional Court and pray for regular bail within four weeks from date.

The prayer for anticipatory bail of the petitioner no.2 is allowed.

C.R.M. (A) 910 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)