

01.03.2022

05

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 979 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **29** of **2016** dated **22.01.2016** under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : Parameswar Mandal alias Madan Mandal

..... petitioner

Mr. Sudip Banerjee

....for the petitioners

Mr. Antarikhya Basu

Mr. B. Bhattacharya

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner is a student and is not involved in the alleged incident.

Learned advocate appearing for the State submits that, the father of the petitioner died sometime in 2012 on the basis of the statement of the gram panchayat. The land was being cultivated by the petitioner and his brother. There was cultivation of poppy in the land concerned.

It appears from the death certificate annexed to the petition that the father of the petitioner was died on April 4, 2019. The police case is of 2016. Therefore, on the date of

initiation of the police case, the petitioner was not the owner of the property concerned. In such circumstances, we are of the view that the petitioner is able to rebut the presumption 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 be 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 before the jurisdictional court on every date fixed and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)