

28.02.2022

Sl. 29
Court No.29
suvayan
(Allowed)

CRM (A) 994 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Lalgola** P.S. Case No. **643 of 2021** dated **23/08/2021** under Sections **21(C)/29** of the Narcotic Drugs and Psychotropic Substances Act corresponding to NDPS No.176/2021.

And

In the matter of: Azim Sekh @ Ajim Sk @ Bhuttu

....petitioner.

Md. Bani Israil
Mr. Kanchan Gupta

...for the petitioner.

Mr. Saibal Bapuli
Mr. Arani Bhattacharya

...for the State.

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that no recovery was made from the possession of the petitioner. The petition is sought to be proceeded against on the basis of the statement of the co-accused made while in custody. Another co-accuseds standing on the same footing were granted anticipatory bail.

Learned advocate appearing for the State draws the attention of the Court to the contents in the case diary.

Considering the fact that no narcotic was recovered from the possession of the petitioner and considering the fact that the petitioner is sought to be proceeded against on the basis of the statement of the co-accused, we are of the view that the petitioner is able to rebut the presumptions under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985. Moreover, the another co-accused standing on the same footing

was granted anticipatory bail by the co-ordinate Bench on January 6, 2022 in CRM (A) 11 of 2022.

In such circumstances, 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 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 meet the Investigating Officer once in a fortnight till the conclusion of the investigation and that the petitioner shall appear before the jurisdictional Court and pray for regular bail within four weeks from date.

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

CRM (A) 994 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)