

15.03.2022

22

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1233 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kumarganj** Police Station Case No. **11** of **2019** dated **14.01.2019** under Sections 21/22/23 of the Narcotic Drugs and Psychotropic substances Act.

And

In Re : Abul Mondal @ Abul Hossain Mondal.

..... petitioner

Mr. Kaushik chaudhury

Ms. Busra Khatoon

....for the petitioner

Mr. Tapandeb Nandy

Mr. Antarikhya Basu

....for the State

Considering the fact that no contraband was recovered from the possession of the petitioner and considering the fact that the police filed charge-sheet 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 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 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.)