

**01.04.2022**  
**Serial no. 15**  
[Dd]  
(Anticipatory bail  
**Allowed**)

**CRM (A) 1501 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. **160** of **2019** dated **16.08.2019 (Special No.- 34 of 2019)** under Sections **21C/22C/23C/27A** of Narcotic Drugs and Psychotropic Substances Act.

**-And-**

In the matter of : **Prodip Das @ Pradip Das**

... .. Petitioner

*Mr. Arup Sarkar,*  
*Mr. Debayan Ghosh, Advocates*  
*... .. For the Petitioner*

*Mr. P. K. Datta, Id App*  
*Mr. Santanu Deb Roy, Advocates*  
*... ..For the State*

Considering the fact that no narcotics was recovered from the possession of the petitioner and considering the fact that the police are proceeding against the petitioner on the basis of the statement of the co-accused 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. Moreover, persons standing on the same footing as that of the petitioner were enlarged on anticipatory bail by this Hon'ble Court. At this stage, the police are unable to establish any nexus between the petitioner and the co-accused who was arrested with the commercial quantity of narcotic.

Consequently, we are inclined to 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 be 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 report before the Investigating Officer once in a week till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is **allowed.**

CRM (A) 1501 of 2022 is **disposed of.**

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**