

06.06.2022.
72.

(S. Banerjee)
(Allowed).

C.R.M.(A) 2310 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 17.05.2022 in connection with Ketugram P. S. Case No.467 of 2021 dated 21.09.2021 under Sections 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (as amended).

In the matter of : Kamared Sk.

... Petitioner

Mr. Uday Sankar Chattopadhyay
Mr. Santanu Maji
Ms. Trishna Rakshit

.....for the Petitioner.

Mr. Sanjoy Bardhan
Ms. Debjani Dasgupta

.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioner that he has been falsely implicated in a series of criminal cases and he had obtained orders of acquittal in some of those cases. Though no narcotic substance was recovered from his possession, he has been falsely implicated in the instant case. He prays for pre-arrest bail.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioner had fled away from the spot where 4.5 liters of Codeine mixture was recovered from the possession of co-accused.

We have considered the statements of the witness. No narcotic substance was recovered from the petitioner. His complicity, has transpires from the statements of co-accuseds before police officer which are inadmissible in law.

Under such circumstances we are of opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and may be granted pre-arrest bail.

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 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 trial court and pray for regular bail within four weeks from date and on a further condition that the petitioner shall meet the investigation officer once in a week.

This application for anticipatory bail is, thus, disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)