

09.06.2022
tkm/ct 28
sl no. 106

C.R.M. (A) 2474 of 2022

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Raninagar P.S case no. 477 of 2021 dated 13.11.2021 under sections 21(c)/29 of the NDPS Act
And

Allowed

In Re : Atikur Rahaman @ Bijol petitioner

Mr. Somnath Adhikary
Mr. J I Hossian

..... for the petitioner

Mr. S Bapuli
Mr. Saryati Datta

..... for the State

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case. Investigation is complete.

Having considered the materials on record and bearing in mind the nature of allegations and the extent of complicity of the petitioner in the alleged crime and as no narcotic substance was recovered from his possession and as the complicity of the petitioner has transpired from the statement of a co-accused before police officer which is inadmissible in evidence, we are of the opinion that petitioner has been able to rebut the statutory restrictions under section 37 of the NDPS Act and he may be granted anticipatory 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 also be subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

Petitioner shall appear before the court below and prays for regular bail within four weeks from date.

The application being CRM (A) 2474 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)