

15.06.2022
SL No.138
Ct. 28
Saswata

CRM (A) 2688 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Berhampore** P.S. Case No. **805/2021** dated **02.08.2021** under **Sections 22(C)/29 of the NDPS Act.**

And

In the matter of: **Asadul Sk.**

....Petitioner

Ms. Moumita Karmakar

...for the Petitioner

Mr. Binay Panda

Mr. Subham Bhakat

...for the State.

It is submitted on behalf of the petitioner that no narcotic substance was recovered from his possession and he has been falsely implicated in the instant case.

Learned advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner and his complicity has transpired from the statement of the co-accused before a police officer which is inadmissible in evidence. Under such circumstances, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and may be granted anticipatory bail.

The prayer for anticipatory bail is thus allowed.

Accordingly, we direct that in the event of arrest, the petitioners be released on bail upon furnishing a Bond of Rs. 10,000/- (Rupees Ten thousand only), with two sureties of like

amount each one of whom must be local, 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 petitioners shall appear before the Court below and pray for regular bail within four weeks from date.

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

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)