

16.06.2022
Sl. No.113
akd
[ALLOWED]

C. R. M. (A) 2726 of 2022

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 08.06.2022 in connection with Palashipara Police Station Case No. 33 of 2022 dated 18.01.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.03 of 2022)

And

In Re: ***Mijarul Sk.***

... .. Petitioner

Mr. Ali Ahsan Alamgir
Ms. Riya Das
Ms. Rabia Khatoon

... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Baisakhi Chatterjee

... .. 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 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.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Mijarul Sk.***, 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 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 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.)