

16.06.2022
cm/ct 28
sl no. 149

C.R.M. (A) No. 2786 of 2022

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with **Kaliachak P.S Case No.1419 of 2021** dated **20.12.2021** under Sections **21 (c)/27 (A)/29** of the N.D.P.S. Act and read with Section 27 (A) of the Drugs & Cosmetics Act, 1940.

And

Allowed

In Re : Habibur Rahaman @ Hobu

..... petitioner

Mr. Mounick Ghosh

... for the Petitioner.

Mr. Swapan Banerjee

Mr. Suman De

..... 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 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. Hence, we are inclined in granting 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/- 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.

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

The application being CRM (A) No. 2786 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)