

30.06.2022
Serial no.15
Aloke

CRM (A) 3076 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Hogalberia Police Station Case No. 245 of 2021 dated 29.10.2021 under Sections 21(c)/29 of the NDPS Act, 1985.

-And-

In the matter of : **Jamirul Sk @ Jaminul Islam**

... .. Petitioner

Mr. Anisur Rahman, Advocate

... .. For the Petitioner

Mr. Ranabir Ray Chowdhury, Advocate

Mr. Kanchan Ray, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the police filed charge-sheet. No narcotic was recovered from the possession of the petitioner. The petitioner was falsely implicated.

Learned Advocate appearing for the State draws the attention to the materials in the case diary. He submits that the petitioner herein is the supplier.

The claim of the police that the petitioner is the supplier transpired from the statements of the co-accused made while in custody. No narcotic was recovered from the possession of the petition. The police filed charge-sheet.

At this stage, apart from the statement of the co-accused made while in custody, the police are unable to establish any nexus between the petitioner and the commercial quantity of narcotics seized or with the co-accused arrested with the commercial quantity of narcotics.

In such circumstances, we are of the view that the petitioner is able to rebut the presumptions under Section 37 of the NDPS Act, 1985. Consequently, we are inclined to grant 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/- (Rupees Ten Thousand Only), 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 and on further condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 3076 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)