

17 15.07.2022
(AD) Court No.29
(Allowed)

C.R.M. (A) 3372 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Special Case No.20 of 2021 arising out of **Kaliachak** Police Station Case No. **198 of 2021** dated **19/02/2021** under Sections **22(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

In the matter of: Md. Jiaul Sk.

....petitioner.

Mr. Mrityunjoy Chatterjee

...for the petitioner.

Mr. Saibal Bapuli, Ld. APP
Mr. Arani Bhattacharyya

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that no recovery was made from the possession of the petitioner. Another co-accused was granted anticipatory bail. The petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary.

No narcotic was recovered from the possession of the petitioner. The petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody. The police filed charge sheet. The police at this stage are unable to establish any nexus between the petitioner and the co-accused arrested with the commercial quantity of narcotics or with the seized commercial quantity of narcotics. Another co-accused was enlarged on anticipatory bail by this Hon'ble Court.

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 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on 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.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 3372 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)