

05.07.2022
Serial no. 03
[Dd]
(Anticipatory bail)
Allowed)

CRM 7222 of 2021

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **NDPS** case no. **177 of 2021** arising out of **Berhampore** Police Station Case No. **924 of 2021** dated **25.08.2021** under Sections **20(b)(ii)(c)/ 29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

-And-

In the matter of : **Uttam Debnath**

... .. Petitioner

Mr. Tapodip Gupta, Advocate
... .. For the Petitioner

Mr. Saryati Datta, Advocate
... ..For the State

The claim for parity with the other co-accused who was enlarged on anticipatory bail by the order dated December 21, 2021 passed in CRM 5962 of 2021 is not being disputed on behalf of the State.

No narcotic was recovered from the possession of the petitioner. The police filed charge sheet. The police are unable to establish at this stage, any nexus between the petitioner and the person arrested with the commercial quantity of narcotic or the seized narcotic itself.

In such circumstance, we are of the view that the petitioner is able to overcome the restrictions 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 7222 of 2021 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)