

04.01.2022

02

Ct. No. 29

KAUSHIK

Allowed

C.R.M. 7721 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kandi** Police Station Case No. **555** of **2021** dated **20.10.2021** under Sections 22(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Sentu Biswas

..... petitioner

Mr. Jisan Iqubal Hossain

....for the petitioner

Mr. Sanjoy Bardhan

Ms. Baisakhi Chatterjee

....for the State

The application is taken up for consideration subsequent to the order dated December 22, 2021.

By the order dated December 22, 2021, a report was called for from the notice to establish the nexus, if any, between the petitioner and the other co-accused.

Report submitted in Court be taken on record. The report does not disclose any nexus between the petitioner and the co-accused apart from the statement of the co-accused.

Considering that no narcotic was recovered from the possession of the petitioner and that the petitioner was sought to be implicated on the basis of the statement of the co-accused and considering the fact that the police did not establish any nexus between the petitioner and the co-accused, we are of the

view that the petitioner is able to rebut the presumption 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/-, 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 meet the Investigating Officer once in a month till the conclusion of the investigation and on condition that the petitioner shall appear before the jurisdictional court on every date fixed and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)