

26.08.2022
Serial no.9
Aloke

CRM (A) 4080 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Ramnagar Police Station Case No. 13 of 2022 dated 23.01.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

-And-

In the matter of : **Morselim Khan @ Kalo**

... .. Petitioner

Mr. Kalyan Kr. Bhattacharjee, Advocate

Mr. Subrata Biswas, Advocate

Ms. S. Khatun, Advocate

... .. For the Petitioner

Mr. Rudradiptan Nandi, Id. APP

Mr. Ranadeb Sengupta, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

No narcotic was seized from the possession of the petitioner. The police filed charge-sheet. The police at this stage are unable to demonstrate any nexus between the petitioner and the co-accused who was arrested with the commercial quantity of narcotics and/or the seized commercial quantity of narcotics.

In such circumstance, 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 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) 4080 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)