

05.09.2022
Serial no.18
Aloke

CRM (A) 4194 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Baishnabnagar Police Station Case No. 155 of 2022 dated 18.02.2022 under Sections 21(C)/29 of the NDPS Act and Section 27A of the Drugs and Cosmetics Act.

-And-

In the matter of : **Sukuruddin Sk.**

... .. Petitioner

Mr. Arup Kr. Bhowmick, Advocate

... .. For the Petitioner

Mr. Ranadeb Sengupta, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

No narcotic was recovered 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 seized commercial quantity of narcotics and the person arrested with the commercial quantity of narcotics. The police are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody.

The claim for parity with other co-accused who was enlarged on anticipatory bail by the order dated June 10, 2022 passed in CRM (A) 2532 of 2022 is not being disputed on behalf of the State.

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 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) 4194 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)