

6 25.01.2022
(AD) Court No.29
(Allowed)

**C.R.M. 8682 of 2021
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raninagar** P.S. Case No. **438 of 2021** dated **02/10/2021** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: Barjahan Sk. @ Alauddin Sk.

....petitioner.

Mr. Jisan Iqubal Hossain

...for the petitioner.

Mr. Ranadeb Sengupta

...for the State.

Petitioner seeks anticipatory bail.

The application is taken up for consideration subsequent to the order dated December 22, 2021 and January 6, 2022 .

By the order dated December 22, 2021 noting the contention of the State that the investigations were at nascent stage, time was granted to the State and a report was called for from the police as to the progress of the investigation and the nexus between the petitioner and the co-accused, if there be any.

By the order dated January 6, 2022, the report as called for was considered. Further report was called for as to whether the petitioner is on bail in the pending criminal cases or not.

Report as called for by the order dated January 6, 2022 filed in Court be taken on record. It appears that the petitioner is on bail in respect of two pending criminal cases as contended on behalf of the petitioner.

Learned Advocate appearing for the State submits that

apart from the statement of the co-accused, the police are not in a position to place material showing any nexus between the petitioner and the co-accused, at this stage.

Considering the fact that the no narcotics was seized from the possession of the petitioner and considering the fact that the petitioner is sought to be proceeded against on the basis of the statement of the co-accused in custody and considering the fact that no further materials are placed establishing their nexus, at this stage, 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/- 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 further condition that the petitioner shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and that the petitioner shall appear before the jurisdictional Court and pray for regular bail within four weeks from date.

The application for anticipatory bail being C.R.M. 8682 of 2021 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)