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(AD) 13.09.2022

C.R.M. (A) 4393 of 2022

Court No.29
(Allowed)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with N.D.P.S-20/2022 arising out of **Goalpokher** Police Station Case No. **84** dated **01/03/2022** under Sections **21(C)/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: **Habibur Rahaman @ Habibul @ Habib**
....petitioner.

Mr. Soumik Ganguly
Mr. Nimai Ray
Mr. Nazmul Touhid
Mr. Ronit Mukherjee

...for the petitioner.

Mr. Sanjoy Bardhan
Ms. Baishakhi Chatterjee

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated.

Learned Advocate appearing for the State submits that the police filed charge sheet. Commercial quantity of narcotics was seized on March 1, 2022. The motor vehicle belonging to the petitioner was seized on April 7, 2022 from his house.

At this stage, the police are unable to demonstrate any nexus between the motor cycle of the petitioner and the petitioner on one part with the commercial quantity of narcotics seized on March 1, 2022 and the persons arrested with the commercial quantity of narcotics on the other part. The police filed charge sheet.

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 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 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.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 4393 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)