

13.10.2022.
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Ct.No.28
Sayandeep/TN/SA
(Allowed)

C.R.M. (A) 4888 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with N-93 of 2022 arising out of Ghola P. S. Case No.551 of 2022 dated 23.09.2022 under Sections 21(b)/ 29 of the Narcotic Drugs and Psychotropic Substance Act, 1985.

In the matter of : Debasis Biswas @ Debashis Biswas
... Petitioner.

Mr. Koustav Bagchi
Mr. Debayan Ghosh
Ms. Priti Kar

...for the Petitioner.

Mr. Sanjoy Bardhan.
Mr. Palash Ch. Majhi

.....for the State.

Heard learned lawyers for the parties.

No narcotic substance was recovered from the petitioner. His complicity has transpired from the statement of co-accused before police officer which is inadmissible in evidence.

Under such circumstances, we are of the opinion that the petitioner has been able to rebut statutory restriction under Section 37 of the NDPS Act and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing bond of Rs. 10,000/- with two sureties of like amount each, to the satisfaction of the ACJM, Barrackpore and the subject to the

conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners while on bail shall meet the investigating officer once in a week until further orders and that the petitioner shall appear before the Court below and pray for regular bail within four weeks from date.

This application for anticipatory bail is, thus, disposed of.

(Supratim Bhattacharya,J.)

(Joymalya Bagchi, J.)