

16.02.2023
Serial no. 04
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 275 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Suti** Police Station Case No. **328** of **2022** dated **14.06.2022** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

-And-

In the matter of : **Suman Saha**

... .. Petitioner

Mr. Sabir Ahmed,
Mr. Ayan Chakraborty,
Ms. Sohini Mukherjee, Advocates
... .. *For the Petitioner*

Mr. Saibal Bapuli, Id. APP,
Mr. Soumik Ganguli, Advocates
... ..*For the State*

Report as called for by the order dated January 19, 2023 filed in Court be taken on record.

The report does not demonstrate any nexus between the petitioner and the person arrested with the commercial quantity of narcotics and/or the seized commercial quantity of narcotics.

The commercial quantity of narcotic was, however, seized from a bus owned by the petitioner.

It is not claimed by the police that the petitioner was in the bus at the relevant point of time.

In such circumstances, in the absence of any other nexus between the petitioner and the person arrested with the commercial quantity of narcotics and/or the seized commercial quantity of narcotics, we are of the view that the petitioner is able to rebut the presumption under Section 37 of the NDPS Act, 1985.

Police filed charge sheet.

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 further 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) 275 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)