

17.08.2023
Supp. Sl. No.19
akd
[ALLOWED]

C. R. M. (A) 3541 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 09.08.2023 in connection with Jalangi Police Station Case No. 403 of 2022 dated 29.12.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Ichab Ali Biswas @ Youp Biswas @ Yusuf Biswas***
... .. Petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

... .. for the petitioner

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor
Mr. Arani Bhattacharyya

... .. for the State

1. Heard the learned Advocates appearing for both the parties.
2. We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner and his complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Call Detailed Records (CDRs.) do not show communications between petitioner and co-accused from whom narcotics was recovered. Investigation is complete. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. Hence, we are inclined to grant anticipatory bail to the petitioner.
3. Accordingly, we direct that in the event of arrest, the petitioner, namely ***Ichab Ali Biswas @ Youp Biswas @ Yusuf Biswas***, 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 further condition that the petitioner shall appear before the court below and pray for regular bail within four weeks from date.

4. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)