

29.09.2023  
Sl. No.61  
**akd**  
[ALLOWED]

**C. R. M. (A) 4308 of 2023**

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 18.09.2023 in connection with Krishnaganj Police Station Case No. 275 of 2023 dated 29.07.2023 under Section 21(b)(c) of the NDPS Act. (NDPS Case No.59 of 2023)

And

In Re: **Prasanta Biswas @ Geru**

... .. Petitioner

Mr. Arindam Jana  
Mr. Asraf Mandal  
Mr. Partha Pratim Sinha

... .. for the petitioner

Mr. Abhra Mukherjee  
Mr. Dipankar Mahata

... .. for the State

1. It is submitted on behalf of the petitioner that no narcotic substance was recovered from his possession. Petitioner has been falsely implicated. Accordingly, he prays for anticipatory bail.
2. Learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits petitioner had regular interaction with co-accused from whom recovery of narcotics was made.
3. We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner. Contents of telephonic conversations between the parties are unknown. Mobile number does not belong to the petitioner but to his son. In view of the aforesaid scanty materials on record, 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.
4. Accordingly, we direct that in the event of arrest, the petitioner, namely **Prasanta Biswas @ Geru**, 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 meet the Investigating Officer once in a week until further orders and shall appear before the court below and pray for regular bail within four weeks from date.

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

**(Partha Sarathi Sen, J.)**

**(Joymalya Bagchi, J.)**