

02.01.2023
Serial no. 15
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 5982 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Tapan** Police Station Case No. **255** of **2022** dated **07.05.2022** under Sections **21(c)/22(c)/23(c)/27A** of the Narcotic Drugs and Psychotropic Substances Act, 1985. Charge sheet no. 531 of 2022 dated 27.10.2022 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act, 1985.

-And-

In the matter of : **Partha Saha @ Haatkata**
... .. Petitioner

Mr. Kausick Chowdhury,
Ms. Busra Khatoon, Advocates
... .. *For the Petitioner*

Mr. Sanjoy Bardhan,
Ms. Baishakhi Chatterjee, Advocates
... ..*For the State*

No narcotic was recovered from the possession of the petitioner. The police are unable to 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 police are proceeding against the petitioner on the basis of the statements of the co-accused made while in custody.

Police filed charge sheet.

In such circumstances, we are of the view that the petitioner is able to rebut the presumption under Section 37 of the NDPS Act, 1985.

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) 5982 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)