

Court No. 29
(266041)

CRM (A) 2628 of 2024

05.08.2024

(A 34)

(S. Banerjee)

(Allowed)

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Suti Police Station Case No. 571 of 2021 dated 25.12.2021 under Sections 21(a)/29 of the NDPS Act, 1985, pending before the learned Sessions Judge, Murshidabad at Berhampore.

And

In the matter of: **Fitu Mahaldar**

...petitioner

Mr. Arnab Chatterjee
Mr. Anisur Rahaman

... for the petitioner

Mr. Ashok Das

... for the State

1. Heard the learned counsel for the parties.
2. The case diary reveals that narcotic substances of below-commercial quantity has been recovered from one Safikul Sk. Moreover, the name of the petitioner transpired from the statement of the co-accused during the custody of police which is not admissible in evidence.
3. Charge-sheet has already been filed.
4. We are of the view that the petitioner is able to rebut the presumption of Section 37 of NDPS Act.
5. Accordingly, we direct that in the event of arrest, the petitioner (Fitu Mahaldar) shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like

amount, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

6. The petitioner shall appear before the learned Sessions Judge, Murshidabad at Berhampore, under NDPS Act, within two weeks from date and shall appear on every date before the aforesaid court on and from the date fixed for appearance of the accused.
7. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this court.
8. Accordingly, the application for anticipatory bail is allowed.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this court.

(Uday Kumar, J.)

(Soumen Sen, J.)