

22.08.2024

Court No.29

Item No.08

Allowed

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CRM (A) 2890 of 2024

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, 2023 in connection with Murutia Police Station Case No. 91 of 2024 dated 23.03.2024 corresponding to NDPS Case No. 41 of 2024 under Sections 21(C)/29 of the Narcotic Drugs Psychotropic Substances Act. 1985.

And

In Re: Pratap Mahato @ Pratap Mahto

Petitioner

Mr. Soumya Basu Roy Chowdhuri

For the Petitioner

Mr. Iqbal Kabir

Ms. Payel Ghosh

For the State

1. Heard the learned counsel appearing for the parties.
2. Considering the fact that the name of the petitioner transpired during the interrogation of one of the co-accused persons in police custody and the petitioner has no criminal antecedent, we are of the view that the petitioner is able to rebut the presumption under Section 37 of the NDPS Act.
3. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Pratap Mahato @ Pratap Mahto** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023. The petitioner shall meet the I.O once in a week till the submission of the final report and shall not leave the

jurisdiction of Murutia police station without the leave of the I.O till the submission of the final report and on further condition that the petitioner shall appear before the learned Additional District Judge, 1st Court (Spl Judge under NDPS Act) at Krishnagar, Nadia, within two weeks from date in connection with NDPS Case No. 41 of 2024. 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.

4. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar, J)