

19.09.2024

Court No.29

Item No.61

Allowed

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CRM (A) 3395 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Moyna Police Station Case No. 319 of 2024 dated 21.08.2024 corresponding to T.R (NDPS) Case No. 14 of 2024 under Sections 20(b)(ii)(B)/ 25/29 of the Narcotic Drugs Psychotropic Substances Act, 1985.

And

In Re: **Laxman Maity @ Lakshman Chandra Maiti & Anr.**

Petitioners

Mr. Bibaswan Bhattacharya

Mr. Mazahar Hossain Chowdhury

For the Petitioners

Md. Zubair Alam

Mr. Abhishek Verma

For the State

1. Heard the learned counsel appearing for the parties.
2. Considering the fact that below quantity of narcotic substances have been recovered from the petitioner, we are of the view that the petitioners are able to rebut the presumption under Section 37 of the NDPS Act.
3. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Laxman Maity @ Lakshman Chandra Maiti and Shyamal Kumar Maity** shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 of the Criminal Procedure Code corresponding to Section 482(2) of the BNSS, 2023. The petitioners shall meet the I.O once in a fortnight till the submission of the final report and on further condition that the petitioners shall appear before the **learned Additional Sessions Judge, 1st Court (Judge Special Court), Tamluk, under NDPS Act**, within two weeks from date in connection

with **T.R (NDPS) Case No. 14 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 petitioners 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)