

C.R.M. 2781 of 2020

(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Tapan P.S. Case No. 39 of 2020 dated 28.01.2020 under sections 21(c)/22(c)/23(c)/27A of the Narcotic Drugs and Psychotropic Substance Act.

And

In the matter of: Rabi Nath Murmu alias Rabindra Nath Murmu & Anr.

Ms. Busra Khatun

... ... for the petitioner

Mr. Manoranjan Mahata

... ... for the State

Petitioner no. 2 has been arrested. Hence, his prayer for anticipatory bail is dismissed as infructuous.

No narcotic substance was recovered from the petitioner no. 1. Complicity of the petitioner no. 1 has transpired from the statement of co-accused before police officer which is inadmissible in evidence.

Under such circumstances, petitioner no. 1 has been able to rebut the statutory restrictions under section 37 of the NDPS Act and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner no. 1 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 subject to the conditions as laid

down under Section 438(2) of the Code of Criminal Procedure, 1973.

This application for anticipatory bail is, thus, allowed in so far as petitioner no. 1 is concerned.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)