

08.10.2020.
12.
as
(Allowed).

C.R.M. 5441 of 2020
With
C.R.A.N.1 of 2020
(Old No.3763 of 2020)

(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Lalgola P.S. Case No.659 of 2019 dated 16.09.2019 under Sections 21 (C)/29 of the N. D. P. S. Act.

In the matter of : Alkesh Rahaman @ Alkesh.
... Petitioner.

Mr. Somnath Adhikary.
...for the Petitioner.

Mr. Sanjay Bardhan,
Mr. Palash Ch. Majhi.
.....for the State.

Heard the learned Advocates appearing for the parties.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Accordingly, the application, being CRAN 1 of 2020 (Old CRAN No.3763 of 2020), is disposed of.

Having considered the materials on record and keeping in mind the extent of complicity of the petitioner in the alleged crime in the light of the submission that no narcotic substance was recovered from the possession of the petitioner and as his

complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the N. D. P. S. Act. Hence, we are inclined in granting anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner, viz., Alkesh Rahaman @ Alkesh shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, 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.

This application for anticipatory bail is, thus, disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Aniruddha Roy,J.)

(Joymalya Bagchi, J.)