

03.09.2020
tkm
sl no. 51

C.R.M. 5624 of 2020
CRAN 1 of 2020 (Old CRAN 3986 of 2020)
(via video conference)

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Berhampore P.S case no. 189 of 2020 dated 22.2.2020 under section 22(c)/29 of the NDPS Act
And

Allowed

In Re : Imran Ali Mondal @ Imran Sk. petitioner

Mr. S Adhikary

..... for the petitioner

Mr. S. Bardhan

..... for the State

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 conferencing.

Accordingly, the application being CRAN 3986 of 2020 is disposed of.

Having considered the materials on record and bearing in mind the extent of complicity of the petitioner in the alleged crime and in the light of the submission that no narcotic substance was recovered from his possession and his complicity has arisen from the statement of a co-accused before a police officer which is inadmissible in evidence, we are of the opinion that petitioner has been able to rebut the statutory restriction 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 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 also be subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure,

1973 and petitioner shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM 5624 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)