

18.09.2020
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allowed

C.R.M. No. 5638 of 2020
With
CRAN 1 of 2020 (Old No. CRAN 4003 of 2020)
(via video conferencing))

In Re.: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Jalangi Police Station Case No. 290 of 2020 dated 07.07.2020 under Sections 186/188/34 of the Indian Penal Code and Sections 21/22/23 of the N.D.P.S. Act.

And

In Re: Alam Mondal @ Alam Ali Mondalpetitioner

Mr. Somnath Adhikary

...for the petitioner

Mr. Binay Panda

Mr. Subham Kanti Bhakat

.... for the State

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

The application bearing C.R.A.N. 1 of 2020 (Old No. CRAN 4003 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 in the light of the submission that no narcotic substance was recovered from his possession and as his complicity has arisen from the statement of 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 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 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 on further condition that he shall meet the investigating officer once in a week until further orders.

The application for anticipatory bail is, thus, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)