

03.09.2020
tkm
sl no. 62

C.R.M. 5795 of 2020
CRAN 1 of 2020 (Old CRAN 4206 of 2020)
(via video conference)

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Sitalkuchi P.S case no. 131 of 2019 dated 4.6.2019 under section 21(c)/29 of the NDPS Act
And

Allowed

In Re : Jahangir Alam & Ors. petitioners

Mr. S Sarkar

..... for the petitioners

Mr. Niloy Chakraborty

Mr. Sourav Ganguly

..... for the State

Petitioners undertake 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 4206 of 2020 is disposed of.

Having considered the materials on record and bearing in mind the extent of complicity of the petitioners in the alleged crime and in the light of the submission that no narcotic substance was recovered from their possession and their complicity had arisen from the statement of a co-accused before a police officer which is inadmissible in evidence, we are of the opinion that petitioners have been able to rebut the statutory restriction under section 37 of the NDPS act and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each 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.

The application being CRM 5795 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)