

24.09.2020

Court No. 16
Item No. 21
abhar/k.mitra

CRM 6651 of 2020
With
CRAN 1 of 2020
(Via Video Conference)

(antibail - allowed)

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with Balurghat Police Station Case No. 327 of 2020 dated 27.08.2020 under Sections 21(c)/22(c)/ 23 (c) /25/27A/28/29 of the N.D.P.S. Act.

And

In the matter of: **Roshen Chowhan @ Rasan Chouhan & Anr.**
..... Petitioners

Mr. Arup Sarkar

.....for the Petitioners

Mr. Sanjay Bardhan

Mr. Palash Chandra Majhi

..... for the State

The learned advocate for the petitioners undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The application being CRAN 1 of 2020 is accordingly disposed of.

It is submitted by the learned advocate for the petitioners that they are wanting in connection with the aforesaid case simply on the statement of the co-accused from whom the contraband was recovered.

The learned advocate appearing for the State opposes the prayer for anticipatory bail. He submits that the memo of evidence as well as the material disclosed show that no recovery was made from the possession of the petitioners and they are wanting in the case on the basis of the statement of the co-accused.

Upon hearing the submissions made by the respective counsel and the materials available from the memo of evidence produced today, we find that the petitioners have been able to make out an exception curbed out in Section 37 of the N.D.P.S. Act . Accordingly,

the prayer for anticipatory bail is allowed.

Therefore, we direct that in the event of arrest, the petitioners, namely, **Roshen Chowhan @ Rasan Chouhan and Sunil Chowhan**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and with further conditions that they will meet the Investigating Officer once in a week until further orders and shall not leave the jurisdiction of the Balurghat Police Station without the leave of the Special Court.

The application being **CRM 6651 of 2020** is **allowed**.

(Hiranmay Bhattacharyya, J.)

(Harish Tandon, J.)