

27.11.2020

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CRM 6909 of 2020

With

CRAN 1 of 2020

(Via Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Raninagar P.S. Case No.266 of 2020 dated 25.07.2020 under Sections 20(b) of the NDPS Act, 1985.

And

In the matter of: Md. Saddam Hussain & Anr.

....Petitioners.

Mr. Soumik Ganguli
Mr. Diptendu Banerjee

...for the Petitioners.

Mr. Sanjay Bardhan

...for the State.

The petitioners undertake to affirm and stamp the petition as per the Rules within a month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The application being CRAN 1 of 2020 is disposed of.

Having considered the materials on record and keeping in mind the extent of complicity of the petitioners in the alleged crime and as no narcotic substance was recovered from their possession and as their complicity in the alleged crime had transpired from the statement of co-accused before a police officer, which is inadmissible evidence, we are of the opinion that petitioners have been able to rebut the statutory restrictions 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 be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, 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.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)