

28.09.2020
SL No.30
AP

CRM 6947 of 2020
With
IA No: CRAN 1 of 2020
(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Samserganj** P.S. Case No.**74/2020** dated **14.05.2020** under Sections **21(c)/29** of the NDPS Act.

And

In the matter of: **Abdul Sk.**

....Petitioner.

Mr. Tapodip Gupta

...for the Petitioner.

Mr. Swapan Banerjee,
Mrs. Purnima Ghosh

...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.

Accordingly, the application being IA No: CRAN 1 of 2020 is disposed of.

Having considered the materials on record and bearing in mind the nature of allegations in the light of the submission made on behalf of the petitioner that no narcotic substance was recovered from his possession and as his complicity in the alleged offence has transpired from the statement of co-accused before police officer which is inadmissible in evidence, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under section 37 of the NDPS Act. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

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

Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail is, thus, disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Kausik Chanda, J.)

(Joymalya Bagchi, J.)