

23.09.2020
Item 13
Court No. 8
CP

CRM 6998 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 Police Station Case No. 284/2020 dated 09.08.2020 under Sections 21(c)/29 of the NDPS Act.

And

In the matter of: **Santosh Mondal alias Nakai Mondal**

....Petitioner.

Mr. Diptendu Banerjee,
Ms. Sinthia Bala.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Chandra Majhi.

...for the State.

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

The learned counsel for the petitioner submits that no narcotic substances has been recovered from the petitioner and he has been falsely implicated in this case.

The learned counsel for the State has however opposed prayer for anticipatory bail. It is submitted that the investigation is at an early stage and in the event the prayer is allowed, it may prejudice the investigation. The learned counsel has fairly submitted that the case diary would not show that any narcotic substance has been recovered from the custody of the petitioner.

In view of the fact that the petitioner has been implicated on the basis of a statement made by a co-accused which is inadmissible in evidence, the statutory prohibition under Section 37 of the NDPS Act cannot have any manner of application.

Accordingly, we allow the application for anticipatory bail. In the event of arrest, the petitioner shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) together with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer subject to the condition as laid down under Section 438(2) of the Cr.P.C. and on further condition that he shall meet the Investigating Officer once in a week and cooperate with the investigation.

Memo of Evidence is kept with the record.

In the event the petitioner fails to comply with the conditions as enshrined hereinabove, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for anticipatory bail is allowed.

CRM 6998 of 2020 and CRAN 1 of 2020 are disposed of.

(Soumen Sen, J.)

(Saugata Bhattacharyya, J.)