

23.09.2020
SL No.29(suppl.)
Court No.8
(gc)
(Allowed)

CRM 7030 of 2020
CRAN 1 of 2020

(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **14.09.2020** in connection with **Lalgola** P.S. Case No.**305/2020** dated **21.08.2020** under Sections **21(c)/29** of the N.D.P.S. Act.

And

In the matter of: **Asadul Haque @ Ashadul Haque @ Prince.**

....Petitioner.

Mr. Tapodip Gupta

...for the Petitioner.

Mr. Prasun Kr. Datta, Ld. A.P.P.,

Mr. Nirupam Dhali

...for the State.

The 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 CRAN 1 of 2020 is disposed of.

The learned Counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in this case and no narcotic substance has been recovered from the petitioner.

The learned Counsel appearing on behalf of the State opposes the prayer for anticipatory bail and submits that on the basis of the statement of a co-accused, the name of the petitioner has been included in the FIR.

Having regard to the fact that no narcotic substance has been recovered from the petitioner and he was implicated on the

basis of the statement of a co-accused which is inadmissible. The restriction under Section 37 of the N.D.P.S. Act cannot apply. Accordingly, we allow the application for anticipatory bail to the petitioner. 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.

It is further directed that the petitioner shall meet the I.O. of the case once a week.

The application for anticipatory bail being CRM 7030 of 2020 is allowed.

All parties are to act on a website copy of this order on the usual undertaking.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)