

28.09.2020.
49.
as
(Allowed).

C.R.M. 7092 of 2020
With
C.R.A.N.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 N.D.P.S.Case No.34 of 2020 arising out of Chapra P. S. Case No.166 of 2020 dated 17.05.2020 under Sections 22 (C) of the N.D.P.S. Act.

In the matter of : Rakibul Sk.

... Petitioner.

Mr. Somnath Adhikary.

...for the Petitioner.

Ms. Sukanya Bhattacharya,
Md. Kutubuddin.

.....for the State.

Heard the learned Advocates appearing for the parties.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within a 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.

Having considered the materials on record and keeping in mind the extent of complicity of the petitioner in the alleged crime in the light of the submission that no narcotic substance was recovered from the possession of the petitioner and as his complicity has transpired from the statement of co-accused

before a 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 N. D. P. S. Act. Hence, we are inclined in granting anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner, viz., Rakibul Sk shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

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

All concerned 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.)