

28.09.2020

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CRM No. 7120 of 2020

IA No. CRAN/1/2020

(Via Video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Hogolberia Police Station Case No.44/2020 dated 24.03.2020 under Sections 20(b)(ii)(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : Asadul Islam Ansary @ Lalan Ansari.

... Petitioner

Mr. Somnath Adhikary

.. for the Petitioner

Mr. Sanjay Bardhan,

Mr. Palash Chandra Majhi

..for the State

The petitioner undertake to affirm and stamp the petition/application as per Rules within one moth of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Accordingly, IA No. CRAN/1/2020 is disposed of.

Learned Counsel appearing on behalf of the petitioner submits that the petitioner is no way connected with the alleged offence and nobody has been taken his name as a miscreant.

Learned Counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He, however, submits that the charge sheet has already been

submitted. According to him, even from the statement of the co-accused, the petitioner's name does not appear.

Considering the nature of the allegations and role ascribed to the present petitioner, we believe that the petitioner has been able to rebut under Section 37 of the NDPS Act. We are inclined to grant anticipatory bail to the petitioner.

We allow the application for anticipatory bail to the petitioner. In the event of arrest, the petitioner shall be released on bail upon furnishing a bond Rs.10,000/- 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.

The application for anticipatory bail being C.R.M. 7120 of 2020 is disposed of.

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

(Jay Sengupta, J.)

(Soumen Sen, J.)