

13.10.2020
SI. No.29
akd
[ALLOWED]

C. R. M. 7327 of 2020 [via video conferencing]
(CRAN 1 of 2020)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Gangarampur Police Station Case No. 469 of 2019 dated 20.12.2019 under Sections 27(a)(b) of the Drugs & Cosmetics Act, 1940.

And

In Re: **Golu Mia @ Golam Miah**

... .. Petitioner

Mr. Mazahar Hossain Chowdhury .. Advocate
... .. for the petitioner

Mr. Sanjay Bardhan .. Advocate
Mr. Palash Chandra Majhi .. Advocate
... .. for the State

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 conferencing.

The application being CRAN 1 of 2020 is accordingly, disposed of.

Pursuant to the earlier direction, Investigating Officer is personally present before this court. His presence is noted and dispensed with.

Having considered the materials on record and bearing in mind the nature of allegations in the light of the submission that no contraband was recovered from the possession of the petitioner and as his complicity has transpired from the statements of accused persons who are juveniles in conflict in law before a police office which are 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. Hence, we are inclined in granting anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Golu Mia @ Golam Miah***, 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 be 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.

All concerned authorities shall act in terms of the copy downloaded from the official website of this court.

(Moushumi Bhattacharya, J.)

(Joymalya Bagchi, J.)