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CRM 7389 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 Jalangi P.S. Case No.316 of 2020 dated 29.07.2020 under Sections 21(c)/29 of the NDPS Act, 1985.

And

In the matter of: Mithun Mondal @ Mithun Mandal

....Petitioner.

Mr. Somnath Adhikary

...for the Petitioner.

Mr. Sanjay Bardhan
Mr. S. Deb Roy

...for the State.

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

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 and as no narcotic substance was recovered from his possession and as his complicity in the alleged crime had transpired from the statement of co-accused before a police officer, which is inadmissible evidence, we are of the opinion that petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, 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.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)