

SL-12

09-10-2020

sg

Court 23

Allowed

C.R.M. 7643 of 2020

(Via Video Conference)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Tapan Police Station Case No. 232 of 2020 dated 31.07.2020 under sections 21(c)/22(c)/23(c)/27A of the NDPS Act.

Rafikul Sarkar @ Rafiqul Mondal
Versus
State of West Bengal

Mr. Kaushik Choudhury, Adv.

...for the petitioner.

Mr. Sanjoy Bardhan, Adv.

Mr. Palash Chandra Majhi, Adv.

...for the State.

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

Having considered the materials on record and keeping in mind the nature of allegations and the extent of complicity of the petitioner in the alleged crime and as no narcotic substance was recovered from the possession of the petitioner and as his complicity has transpired from the statement of the 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 NDPS Act, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall meet the investigating officer once in a week until further orders and shall

appear before the investigating agency and hand over his passport, if any, within two weeks from date. In the event he does not have passport, he will personally appear before the investigating agency and furnish affidavit to that effect within the time frame mentioned hereinabove.

In the event he fails to comply with the conditions as enshrined hereinabove, the trial court shall be at liberty to cancel his bail automatically without reference to this Court.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)

