

15.10.2020
Sl. No.37
akd
[ALLOWED]

C. R. M. 7651 of 2020 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Tapan Police Station Case No. 39 of 2020 dated 28.01.2020 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act. (G.R. Case No.109 of 2020)

And

In Re: ***Jalaluddin Mondal @ Jalal Mondal & Ors.***

... .. Petitioners

Mr. Kaushik Choudhury .. Advocate

... .. for the petitioners

Mr. Madhusudan Sur .. Ld. Addl. Public Prosecutor

Mr. Dipankar Pramanick .. Advocate

... .. for the State

It is submitted on behalf of the petitioners that no narcotic substance was recovered from their possession and their complicity has transpired from the statement of co-accused before a police officer.

Learned advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioners and their complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Under such circumstances, we are of the opinion that the petitioners have been able to rebut the statutory restrictions under Section 37 of the NDPS Act. Hence, we are inclined in granting anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the accused/petitioners, namely ***(1) Jalaluddin Mondal @ Jalal Mondal, (2) Mainur Sarkar @ Moninur & (3) Hamidur Mondal @ Hamidur Mulla @ Puchu***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only) each, 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.

(Subhasis Dasgupta, J.)

(Joymalya Bagchi, J.)