

20.10.2020
tkm
sl no. 120

**C.R.M. 8144 of 2020
(via video conference)**

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kushmandi P.S case no. 110 of 2019 dated 8.10.2019 under section 23(c)/27A of the NDPS Act

And

Allowed

In Re : Jugal Das @ Jugal Sarkar & Anr. petitioners

M. S De

..... for the petitioners

Mr. S Bardhan

Mr. C R Ghosh

..... for the State

Having considered the materials on record and bearing in mind the extent of complicity of the petitioners in the alleged crime and in the light of the submission that no narcotic substance was recovered from their possession and as their complicity had arisen from the statement of co-accused before a police officer which is inadmissible in evidence, we are of the opinion that petitioners have been able to rebut the statutory restrictions under section 37 of the NDPS act and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- 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 being CRM 8144 of 2020 is disposed of.

(Md. Nizamuddin, J.)

(Joymalya Bagchi, J.)