

C.R.M. 8259 of 2020

(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Balurghat P.S. Case No. 327 of 2020 dated 27.08.2020 under sections 21(C)/22(C)/23(C)/25/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: Biswanath Chowhan @ Chauhan

Mr. Kaushik Choudhury

... ... for the petitioner

Mr. Madhusudan Sur, APP

Mr. Manoranjan Mahata

... ... for the State

No narcotic substance was recovered from the petitioner. Complicity of the petitioner has transpired from the statement of co-accused before police officer which is inadmissible in evidence.

In view of the aforesaid factual matrix petitioner has been able to rebut the statutory restrictions under section 37 of the NDPS Act. Accordingly, he may be granted anticipatory bail.

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, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

This application for anticipatory bail is, thus, allowed.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)