

21.10. 2020

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CRM 8271 of 2020

(Via Video Conference)

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Berhampore Police Station Case No. 137 of 2020 dated 08.02.2020 under Sections 22 (C)/29 of the NDPS Act, 1985(corresponding to NDPS case No. 27 of 2020).

In the matter of : Barik Skpetitioner

Mr. Sabir Ahmed
Ali Ahsan Alakgir,
Ms. Riya Das,
Mr. S. Sarkar,
Mr. Apan Saha,
Mr. Mujib Ali Naskar

..for the petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Chndra Majhi

..for the State.

The petitioner undertakes to appropriately stamp the petition 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.

Learned advocate for the petitioners submits that the petitioner is an innocent one. He has been

falsely implicated in the present case. No contraband materials were recovered from the possession of the petitioner.

Learned advocate for the State opposes the prayer for anticipatory bail and produces the case diary. Learned Advocate for the State did not dispute the submission of learned Advocate for the petitioner that no recovery was made from the possession of the petitioner. Only on the basis of the statement of the co-accused petitioner was brought in the present case.

Considering the submission advanced by the learned Advocate for the parties and after perusing the case diary in our considered view no recovery was made from the petitioner's possession, petitioner's name was brought on the basis of the co-accused statement.

Therefore, after perusing the case diary in our considered view the application for anticipatory bail should be allowed.

Accordingly, we allow the prayer for anticipatory bail.

In the event of arrest, the petitioner shall be released on bail upon furnishing bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of like amount to the satisfaction of the arresting officer of the case.

The aforesaid order shall be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The application for anticipatory bail being C.R.M. 8271 of 2020 is disposed of.

(Samapti Chatterjee, J.)

(Aniruddha Roy, J.)