

20.11.2020

Court No. 16
Item No. 31
nandy/biswas

CRM 8527 of 2020

with

CRAN 1 of 2020

(Via Video Conference)

(Anti-Bail – Allowed)

In Re: An application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 13.10.2020 in connection with Lalgola Police Station Case No. 354 of 2020 dated 02.10.2020 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

and

In the matter of: **Sudipta Halder @ Ghetu**

..... Petitioner

Mr. Diptendu Banerjee, Advocate

.....for the Petitioner

Mr. Sanjay Bardhan, Advocate

Mr. Palsah Chandra Majhi, Advocate

.....for the State

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

The petitioner claims that merely on the basis of the statement of an accused arrested with drugs in his possession, the police have proceeded against the petitioner.

The State produces the record and says that thirty bottles of Phensedyl were recovered from one Kailash Chandra. However, it is only the said Chandra's word that he was going to deliver the goods to the petitioner that has prompted the Investigating Agency to pursue the petitioner. There is no independent material against the petitioner other than such statement.

In such circumstances, the petitioner is entitled to anticipatory bail.

In the event of arrest, the petitioner will be enlarged on bail on furnishing security of Rs.10,000 (Rs. Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer. The petitioner should abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

In the event adequate material is obtained against the petitioner, the State would be entitled to take appropriate steps in accordance with law.

CRM 8527 of 2020 and the interim application are disposed of.

(Sanjib Banerjee, J.)

(Hiranmay Bhattacharyya, J.)