

19.11.2020
SI. No.48
akd
[ALLOWED]

C. R. M. 8533 of 2020 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Bongaon Police Station Case No. 965 of 2019 dated 08.12.2019 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Jamal Mondal***

... .. Petitioner

Mr. Uday Sankar Chatterjee .. Advocate

Mr. Santanu Maji .. Advocate

Mr. S. Das .. Advocate

... .. for the petitioner

Mr. Saibal Bapuli .. Ld. Addl. Public Prosecutor

Ms. Sayanti Santra .. Advocate

... .. for the State

Petitioner undertakes to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

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

Learned Additional Public Prosecutor 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 petitioner and his 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 petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. Hence, we are inclined in granting anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Jamal Mondal***, be released on bail upon furnishing 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 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.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)