

16.12.2020
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Saswata
(Allowed).

C.R.M. 9212 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gangarampur P.S case no. 291/2020 dated 22.08.2020 under Sections 21(c)/23(c)/27(a)/28/29 of NDPS Act, 1985.

In the matter of : Bishnu Gupta

... Petitioner

Mr. M. Chatterjee

...for the Petitioner

Mr. Binoy Panda
Ms. Puspita Saha

.....for the State.

Having considered the materials on record and keeping in mind the fact that no narcotic substance was recovered from the possession of the petitioner and as his complicity has transpired from the statement of co accused before a police officer which is inadmissible in evidence, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special court under NDPS Act, Dakshin Dinajpur on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in

any manner whatsoever and shall not commit similar offence in future.

In the event, he fails to appear before the trial Court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this Court.

This application for anticipatory bail is, thus, disposed of.

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)