

17.12.2020
Sl. No.137
akd
[ALLOWED]

C. R. M. 9264 of 2020 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 10.11.2020 in connection with Gangarampur Police Station Case No. 328 of 2020 dated 17.09.2020 under Section 27(a)(b) of the Drugs and Cosmetics Act, 1940 and Sections 22(c)/23(c)/27A/28/29 of the NDPS Act.

And

In Re: ***Rajjak Ali***

... .. Petitioner

Ms. Jeenia Rudra .. Advocate

... .. for the petitioner

Mr. Sanjay Bardhan .. Advocate

Mr. C. R. Ghosh .. Advocate

... .. for the State

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 advocate appearing for the State 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 ***Rajjak Ali***, 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 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.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)