

39 02.12.2020
rkd Ct. No.03
(Allowed)

C.R.M. 9409 of 2020
(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kumarganj** P.S. Case No. **87 of 2017** dated **21/04/2017** under Section **21/22/23** of the NDPS Act.

And

In the matter of: Mahaboar @ Mahboor @ Mahabur Mandal @
Mahabur Mondal

....petitioner.

Mr. K. Choudhury

...for the petitioner.

Mr. S. Bardhan,

Mr. N. Dhali

...for the State.

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case. No narcotic substance was recovered from his possession.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner. Apart from the statement of the co-accused person before a police officer which is inadmissible in evidence, there is no material connecting the petitioner with the alleged crime. Under such circumstances, we are of the opinion that petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and he may be granted anticipatory bail.

In the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs. 10,000/- 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.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)