

02.12.2020
SI. No.52
akd
[ALLOWED]

C. R. M. 9582 of 2020 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 23.11.2020 in connection with Kushmandi Police Station Case No. 110 of 2019 dated 08.10.2019 under Sections 21(c)/27 of the NDPS Act.

And

In Re: ***Abdul Chhamad @ Mohammad Abdul Chhamad @ Abdul Samed & Ors.***
... .. Petitioners

Mr. Mazahar Hossain Chowdhury .. Advocate
... .. for the petitioners

Mr. Sanjay Bardhan .. Advocate
Ms. Manisha Sharma .. Advocate
... .. for the State

It is submitted on behalf of the petitioners that no narcotic substance was recovered from their possession and their complicity has transpired from the statement of co-accused before a police officer. It is further submitted that co-accused persons have been granted pre-arrest bail.

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 petitioners and their complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Co-accused persons have been granted pre-arrest bail. Under such circumstances, we are of the opinion that the petitioners have been able to rebut the statutory restrictions under Section 37 of the NDPS Act. Hence, we are inclined in granting anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the accused/petitioners, namely ***(1) Abdul Chhamad @ Mohammad Abdul Chhamad @ Abdul Samed, (2) Abdul Azad, (3) Aib Ansar Ali***

@ Anisur Ali & (4) Anchar Ali @ Anser Ali, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only) each, 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.)