

04.12.2020
SL No. 91
Avijit
allowed

**CRM 9743 of 2020
(via video conference)**

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Jalangi P.S. Case No. 290 of 2020 dated 07.07.2020 under Sections 186/188/34 of the Indian Penal Code and sections 21/22/23 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

In the matter of : Montu Mondal.....Petitioner.

Mr. Jisan Iqbal Hossain

...for the Petitioner.

Mr. Binay Panda,
Mr. Subham Bhakat

...for the State.

Having considered the materials on record and bearing in mind the extent of complicity of the petitioner in the alleged crime and in the light of the submission that no narcotic substance was recovered from the possession of the petitioner and as his complicity has arisen from the statement of the co-accused before a police officer which is inadmissible in evidence, 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.

Accordingly, we direct that in the event of arrest, the petitioner be released on bail upon furnishing a 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.

The application for anticipatory bail is, thus, allowed.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)