

136 18.12.2020
rkd Ct. No.28
(Allowed)

C.R.M. 9791 of 2020
(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tapan** P.S. Case No. **232 of 2020** dated **31/07/2020** under Sections **21(C)/22(C)/23(C)/27A** of the NDPS Act.

And

In the matter of: Manmatha Barman

....petitioner.

Mr. K. Chaudhury,
Ms. B. Khatun

...for the petitioner.

Mr. S. S. Imam,
Mr. S. Kundu

...for the State.

It is submitted on behalf of the petitioner that no narcotic substances was recovered from the possession of the petitioner. He has been falsely implicated in the instant case.

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

We have considered the materials on record including the statements of the local witnesses. Statements are general and omnibus in nature and do not relate to the alleged seizure in question. 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 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.)