

07.12.2020.
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as
(Allowed)

**C.R.M. 9797 of 2020
(Via Video Conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 09.09.2019 in connection with Hili P.S. Case No.34 of 2017 dated 07.02.2017 under Sections 411/414 of the Indian Penal Code and Sections 21(C)/22(C)/23(C) of the N. D. P. S. Act.

In the matter of : Alam Mondal.

.... Petitioner.

Mr. Kaushik Chowdhury.

...for the Petitioner.

Mr. Anwar Hossain,
Ms. Ratna Ghosh.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

It is submitted on behalf of the petitioner that no narcotic substance was recovered from his possession.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits that he was dealing in narcotic substance above commercial quantity.

Having considered the materials on record and in view of the extent of complicity of the petitioner in the alleged crime and as no narcotic substance was recovered from the possession of the petitioner and as his complicity has transpired from the statement of the co-accused before a police officer which is inadmissible in evidence, we are of the opinion that the petitioner has been able to rebut the statutory

restrictions under Section 37 of the N. D. P. S. Act and may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner, viz., Alam Mondal 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

This application for anticipatory bail is, thus, disposed of.

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)