

07.12.2020
Court No.28
SL No.85
AP

CRM 9891 of 2020
(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raninagar** P.S. Case No.**323/2020** dated **06.09.2020** under Sections **21(c)/29** of the NDPS Act.

And

In the matter of: **Tapan Sk @ Tapan Sekh**

....Petitioner.

Mr. Tapodip Gupta

...for the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Sukanya Bhattacharya,
Ms. Manisha Sharma

...for the State.

Having considered the materials on record and bearing in mind the nature of allegations in the light of the submission made on behalf of the petitioner that no narcotic substance was recovered from his possession and as his complicity in the alleged offence has transpired from the statement of co-accused before 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 NDPS Act. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

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 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, allowed.

The 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.)