

09.12.2020.

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(Allowed).

C.R.M. 10018 of 2020

(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Gangarampur P. S. Case No.352 of 2020 dated 05.10.2020 under Sections 21C/22C/23C/27A/28/29 of the N. D. P. S. Act.

In the matter of : Md. Kardas Ali @ Karadas Ali & Ors.
... Petitioners.

Mr. Ayan Basu,
Mr. Anand Farmania.

...for the Petitioners.

Mr. Partha Pratim Das,
Mr. Manoranjan Mahata.

.....for the State.

Heard the learned Advocates appearing for the parties.

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

Learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioners were dealing in narcotic substance and had fled away from the spot.

We have considered the materials on record. We note that no narcotic substance was recovered from the possession of the petitioners and as their complicity has transpired from the statement of the co-accused before a police officer which is inadmissible in evidence. Hence, we are of the opinion that the petitioners have 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 petitioners, viz., Md. Kardas Ali @ Karadas Ali, Jubaidul Ali and Matin @ Abul Matin shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 and on further condition that the petitioners shall meet the Investigating Officer once in a week until further orders.

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

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)