

11.12.2020.

89.

as

(Allowed).

C.R.M. 10252 of 2020

(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Nowda P. S. Case No.165 of 2020 dated 13.11.2020 under Sections 20 (b) (ii) (c)/29 of the N.D.P.S. Act.

In the matter of : Surojit @ Surojit Sarkar.

... Petitioner.

Mr. Tapodip Gupta.

...for the Petitioner.

Mr. P. K. Datta, Id. A.P.P.,

Mr. Santanu Deb Roy.

.....for the State.

Heard the learned Advocates appearing for the parties.

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

In view of the extent of complicity of the petitioner which transpires from the statement of 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. Hence, we are inclined in granting anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner, viz Surojit @ Surojit Sarkar 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.)