

14.12.2020.

127.

as

(Allowed).

C.R.M. 10270 of 2020

(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Sagarpara P. S. Case No.72 of 2020 dated 02.09.2020 under Sections 186/188/34 of the Indian Penal Code and Sections 21/22/23 of the N. D. P. S. Act.

In the matter of : Babu Sk. @ Babu Shekh @ Babu Sekh.
... Petitioner.

Mr. Somnath Adhikary.

...for the Petitioner.

Mr. Rudradipta Nandy.

.....for the State.

Heard the learned Advocates appearing for the parties.

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 and he stands on the same footing with the co-accused who have been granted pre-arrest bail. Hence, we are inclined in granting anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner, viz Babu Sk. @ Babu Shekh @ Babu Sekh 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.)