

14/12/2020
Item No.144 DL
S.DE/AD
(Allowed)

C.R.M. 10304 of 2020

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure 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 21(C)/22(C)/23 (C) of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Altab Hossain Mondal @ Aktar Mondal @

Altab & Anr.

...Petitioners

Mr. Busra Khatoon
Mr. Kaushik Choudhury ...for the Petitioners.

Mr. Ranadeb Sengupta ...for the State.

It is submitted on behalf of the petitioners that they have been falsely implicated in the instant case. No narcotic substance from the possession of the petitioners was recovered.

Learned counsel appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioners. Apart from the statement of the co-accused person before a police officer which is inadmissible in evidence, there is no material connecting the petitioners with the alleged crime. Under such circumstances we are of the opinion that petitioners have been able to rebut the statutory restrictions under Section 37 of the NDPS Act and as co-accused similarly situated with the petitioners

has been granted anticipatory bail, we are inclined to give same privilege to the petitioners also.

Under such circumstances, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten Thousand only) each 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 disposed of.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)