

15.12.2020
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Saswata
(Allowed).

C.R.M. 10375 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 12.12.2020 in connection with Balurghat P.S case no. 344/2020 dated 04.09.2020 under Sections 341/353/333/34 of the NDPS Act.

In the matter of : Noor Alam Mondal @ Nur Alam Mondal @ Nur Alm Mondal & anr.

... Petitioners

Mr. B.Khatun

...for the Petitioners

Mr. Sanjoy Bardhan
Ms. Manisha Sharma

.....for the State.

Having considered the materials on record and keeping in mind the fact that no narcotic substance was recovered from the possession of the petitioners and as their complicity has transpired from the statement of co accused before a police officer which is inadmissible in evidence, we are of the opinion that the petitioners have been able to rebut the statutory restrictions under Section 37 of the NDPS Act. Accordingly, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)