

16.12.2020
SI. No.151
akd
[ALLOWED]

C. R. M. 10399 of 2020 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 10.12.2020 in connection with Sagarpara Police Station Case No. 135 of 2020 dated 11.11.2020 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Kamrul Shikh @ Kamrujjaman & Anr.***

... .. Petitioners

Ms. Minoti Gomes .. Advocate

Mr. Jisan Iqbal Hossain .. Advocate

... .. for the petitioners

Mr. Ranadeb Sengupta .. Advocate

... .. for the State

It is submitted on behalf of the petitioners that no narcotic substance was recovered from their possession and their complicity has transpired from the statement of co-accused before a police officer. It is further submitted that co-accused persons have been granted pre-arrest bail.

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

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioners and their complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Co-accused persons have been granted pre-arrest bail. Under such circumstances, we are of the opinion that the petitioners have been able to rebut the statutory restrictions under Section 37 of the NDPS Act. Hence, we are inclined in granting anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the accused/petitioners, namely (1) ***Kamrul Shikh @ Kamrujjaman & (2) Manik Shikh @ Manik Sekh***, be released on bail upon furnishing 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.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)