

16.12.2020
Sl. No.152
akd
[ALLOWED]

C. R. M. 10400 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 Jalangi Police Station Case No. 389 of 2020 dated 11.11.2020 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Lalan Mondal & Anr.***

... .. Petitioners

Ms. Minoti Gomes .. Advocate

Mr. Jisan Iqbal Hossain .. Advocate

... .. for the petitioners

Mr. Tapandeb Nandy .. Advocate

Mr. Antarikhya Basu .. 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.

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. 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) Lalan Mondal & (2) Nijam Mondal**, 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.)