

86 24.12.2020
rkd Ct. No.28
(Allowed)

**C.R.M. 10627 of 2020
(Through Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Monteswar** P.S. Case No. **261 of 2018** dated **24/10/2018** under Sections **21(c)/29** of the NDPS Act.

And

In the matter of: Mohammad Ali Mandal @ Tota

....petitioner.

Mr. A. Rakib

...for the petitioner.

Mr. I. Kabir

...for the State.

It is submitted on behalf of the petitioner that no narcotic substance was recovered from the possession of the petitioner. He has been falsely implicated in the instant case.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail.

Having considered the materials in the case diary and bearing in mind the nature of allegations and in view of the fact that no narcotic substance was recovered from his possession and his complicity has transpired from the statement of co-accused person before a police officer which is inadmissible in evidence, we are of the opinion that petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and keeping in mind the period of detention suffered by the petitioner, we are inclined to grant anticipatory bail to the petitioner.

In the event of arrest, the petitioner 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

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.)