

12.01.2021

Item No.84

Ct.No.28

dc.

Allowed

C.R.M. 56 of 2021

(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And

In the matter of : Swapan Sarkar & Anr. ... Petitioners.

Mr. Kaushik Choudhury,
Mr. Sabyasachi Hazra,
Ms. Busra Khatun ... For the Petitioners.

Mr. Madhusudan Sur,
Mr. Manoranjan Mahata ... For the State.

Apprehending arrest in connection with Tapan P.S. Case No. 39 of 2020 dated 28.01.2020 under Sections 21(c)/22(c)/23(c)/27A of the Narcotic Drugs and Psychotropic Substances Act (G.R. Case No. 109 of 2020 and Special Case No. 06 of 2020), the petitioners have filed the present application.

The learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated in the criminal proceedings. There was no recovery of contraband substance from the petitioners and that co-accused persons have already been granted anticipatory bail.

Mr. Sur, learned advocate appearing for the State opposes the prayer for anticipatory bail.

Having considered the learned advocates and upon considering the materials in the case diary, it appears that the petitioners' names have transpired from the statement of the co-accused, which is inadmissible in evidence and as such, the rigours of NDPS Act shall not apply towards grant of anticipatory bail.

Accordingly, we allow the application for anticipatory bail and 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), with two sureties of like amount each, one of whom must be local, 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 and on further condition that the petitioners shall meet with the Investigating Officer once a week on and from 15.01.2021 until further orders.

The application for anticipatory bail, being CRM 56 of 2021 is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)