

14.01.2021
Court No.28
rpan / 133

C.R.M. 144 of 2021
(Via Video Conference)

In Re : **Chhaton Mondal @ Chhoton Mondal**
...Petitioner.

Mr. Kaushik Choudhury,
Ms. Busra Khatun
....for the petitioner.

Mr. Sanjoy Bardhan,
Ms. Manisha Sharma
....for the State.

Apprehending arrest in connection with Hili P.S. Case No. 34 of 2017 dated 07.02.2017 under Sections 411/414 of the Indian Penal Code and Sections 21(C)/22(C)/23(C) of the Narcotic Drugs and Psychotropic Substances Act (Special Case No. 12 of 2017), the petitioner has filed the present application.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the criminal proceedings and no contraband substance was recovered from him. Co-accused persons have already been granted anticipatory bail by a co-ordinate Bench of this Court.

The learned advocate appearing for the State opposes the petitioner's prayer.

Having heard the learned advocates and considering the materials in the case diary and as no recovery of contraband substance was made from the petitioner and as his name has transpired on the basis of 161 statement of co-accused, which is inadmissible in evidence, we are of

the opinion that the rigours of the NDPS shall not stand in the way towards allowing this application.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioner 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 petitioner shall meet with the Officer-in-Charge of Hili Police Station once a week on and from 21.01.2021, until further orders.

The application for anticipatory bail, being CRM 144 of 2021 is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)