

08.02.2021
Item No.160
Ct.No.28
Subha
Allowed

C.R.M. 253 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 : Kalu Sk.

.....petitioner.

Mr. Soumik Ganguli
Mr. Diptendu Banerjee
Ms. Sintnia Baca

... For the petitioner.

Mr. Madhusudan Sur, ld. APP
Ms. Dipankar Pramanik

... For the State.

Leave is granted to the learned Advocate-on-
record of the petitioner to effect necessary correction in the
cause title of the application.

Apprehending arrest in connection with
Berhampore Police Station Case No. 1191 of 2020 dated
17.11.2020 under Sections 20(C)/29 of the NDPS Act, the
present application has been preferred.

Mr. Ganguli, learned advocate appearing for the
petitioner submits that the petitioner has been falsely
implicated and his name has transpired on the basis of
statement of a co-accused. No contraband substance was
recovered from the possession of the petitioner and as such
custodial detention of the petitioner is not necessary.

Mr. Sur, learned Additional Public Prosecutor appearing for the State opposes the petitioner's prayer.

Having heard the learned advocates and considering the materials in the case diary and as the petitioner's name has transpired on the basis of statement of a co-accused person, which is inadmissible in evidence, we are of the opinion that the petitioner has been able to overcome the rigours of Section 37 of the NDPS Act and in the said conspectus, the custodial detention of the petitioner is not warranted.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioner, namely, **Kalu Sk.**, 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.

The application for anticipatory bail, being CRM 253 of 2021 is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)