

10.02.2021
Court No.28
rpan /228

C.R.M. 400 of 2021

(Via Video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Mithun Mondal & Others**

- Petitioners

Ms. Minoti Gomes,
Mr. Jisan Iqubal Hossain

... for the Petitioners.

Mr. Rana Mukherjee,
Mr. Santanu Chatterjee

... for the State

Apprehending arrest in connection with Jalangi Police Station Case No.389 of 2020 dated 11.11.2020 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, the petitioners have filed the present application.

Ms. Gomes, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. No contraband substance was recovered from the petitioners and their names have transpired on the basis of statements of the co-accused persons. Anticipatory bail has already been granted in favour of the some of the co-accused persons, who are similarly situated with the petitioners. In view thereof, custodial detention of the petitioners is not necessary.

Mr. Chattopadhyay, learned advocate appearing for the State does not dispute the fact that no contraband substance was recovered from the petitioners.

Having heard the learned advocates and considering the materials in the case diary and as no contraband substance was recovered from the petitioners and as their names have transpired on the basis of statement of co-accused person, which is inadmissible in evidence, we are of the opinion that the petitioners have been able to overcome the rigours of the NDPS Act and their custodial detention is not warranted. As such, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Mithun Mondal, 2. Abdus Mondal, 3. Ali Hossain Mondal and 4. Niar Mondal @ Niaruddin Mondal**, shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 No. 400 of 2021, is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)