

26.02.2021
Court No.28
Item No. 39
Krishnendu
ALLOWED

C.R.M. 512 of 2021

(Via video Conference)

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

And

In re: **Uttam Barman**

.....Petitioner

Mr. Kaushik Choudhury

Ms. Busra Khatun

....For the Petitioner

Mr. Sanjoy Bardhan

Mr. Palash Chandra Majhi

.....For the State

Apprehending arrest in connection with Balurghat Police Station Case No. 344 of 2020 dated 04.09.2020 under sections 341/353/333/34 of the Indian Penal Code and read with section 21(c)/22(c)/23(c)/25/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act, the petitioner has filed the present application.

The learned advocate for the petitioner submits that the petitioner has been implicated in connection with this case pursuant to the statement of a co-accused from whom recovery was effected.

The learned advocate for the State opposes the prayer for anticipatory bail but he is unable to rebut the submission that the petitioner has been implicated on the basis of a statement of the co-accused. The learned advocate further submits that the subject matter of the case involves 300 bottles of Phensedyl being recovered.

Having regard to the fact that the petitioner has been implicated on the basis of a statement of the co-accused, which is inadmissible in evidence, we are of the opinion that the petitioner has been able to overcome the rigors of section 37 of the N.D.P.S. Act and as such he is entitled to the relief. Thus, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Uttam Barman**, shall be released on bail upon furnishing a bond of Rs.10,000/- 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 with a further condition that the petitioner will meet the Investigating Officer of the case once a week on and from 2nd March, 2021 until further orders.

The application for anticipatory bail, being CRM No. 512 of 2021, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)

