

05.03.2021
Item No.26
Ct.No.28
Subha
Allowed

C.R.M. 561 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 : Gopal Sarkar

.. Petitioner.

Mr. Kaushik Chaudhury
Ms. Busra Khatun

... For the Petitioner.

Mr. Tapandeb Nandy
Mr. Antarikhya Basu

... For the State.

Apprehending arrest in connection with Hili Police
Station Case No. 83 of 2020 dated 23.07.2020 under
Sections 411/414 of the Indian Penal Code read with Section
20(b)(ii)(c) of the NDPS Act, the present application has been
filed.

Mr. Chaudhury, learned advocate appearing for the
petitioner submits that the petitioner has been falsely
implicated and there has been no recovery of contraband
substance from the possession of the petitioner. His name
has transpired on the basis of the statement of the co-
accused persons and similarly situated co-accused persons
have already been granted anticipatory bail by a co-
ordinate Bench of this court by an order dated 14th

December, 2020 in CRM 10307 of 2020. In view thereof, custodial interrogation of the petitioner is not necessary.

Mr. Tapandeb Nandy, learned advocate appearing for the State opposes the petitioner's prayer for anticipatory bail.

Having heard the learned advocates and as the petitioner's name has transpired on the basis of the statement of co-accused person, which is inadmissible in evidence and as similarly situated co-accused persons have already been granted anticipatory bail and since there had been no recovery of contraband substance from the possession of the petitioner, we are of the opinion that the petitioner has been able to overcome the hurdle of Section 37 of the NDPS Act and as such he is entitled to the privilege of anticipatory bail.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioner, namely, **Gopal Sarkar** 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 561 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.)