

05.03.2021
Item No.30
Ct.No.28
Subha
Allowed

C.R.M. 573 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 : Avijit Mondal & Anr.

.. Petitioners.

Mr. Angshuman Chakraborty

Mr. S. S. Saha

... For the Petitioners.

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

... For the State.

Apprehending arrest in connection with N 97/20 arising out of Bongaon Police Station Case No. 348 of 2020 dated 23.06.2020 under Sections 20(b)(ii)(B)/29 of the Narcotic Drugs and Psychotropic Substances Act 1985, the present application has been filed.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that the petitioners' names have transpired on the basis of the statement of a co-accused person recorded under Section 161 of the Code, which is inadmissible in evidence. Two accused persons have already

been released on bail. There had been no recovery of contraband substance from the possession of the petitioners and upon completion of investigation, charge-sheet has also been submitted. In the said conspectus, we are of the opinion that the rigors of Section 37 of the NDPS Act are not attracted and the petitioners are entitled to the privilege of anticipatory bail.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioners, namely, **1, Avijit Mondal and 2. Rowsone Biswas @ Roshan Biswas** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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.

This order would be in operation for a period of four weeks from date so that in the meantime the petitioners may appear before the learned trial court and pray for regular bail.

The application for anticipatory bail, being CRM 573 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.)

