

13.04.2021
SL No.270
Court No.28
(gc)
(Allowed)

CRM 841 of 2021
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Malda Police Station Case No.359 of 2020 dated 29.06.2020 under Sections 21(c)/29 of the N.D.P.S. Act and Sections 18(b)/27 of Drugs and Cosmetics Act, 1940.

And

In the matter of : **Pankaj Ghosh**

- Petitioner

Ms. Jeenia Rudra

... For the Petitioner.

Mr. Sanjoy Bardhan,

Ms. Manisha Sharma,

... For the State.

From the case diary produced before us and the submissions made on behalf of the State, it appears that the petitioner is not FIR named person and the only material against the petitioner is the statement of the co-accused person.

Considering the materials and the fact that the petitioner was implicated on the basis of the statement made by the co-accused person, which is inadmissible in evidence and the petitioner being able to rebut the statutory restrictions under Section 37 of the N.D.P.S Act, we are inclined to release the petitioner on anticipatory bail. As such, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner 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.

This order of anticipatory bail will remain in force for a period of four weeks from date within which time, the petitioner would appear before the Special Court and pray for regular bail.

With the aforesaid observation, the application for anticipatory bail, being CRM No.841 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.)

(Soumen Sen, J.)