

24.05.2021
Item no.37
Court No.28
Avijit Mitra

C.R.M. 1096 of 2021 (through video conference)

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

And

In Re : Prabir Mondal @ Bulan @ Prabir
.... petitioner

Mr. Kaushik Chowdhury
....for the petitioner

Mr. Neguive Ahmed,
Md. Anwar Hossain,
Mr. Suman De
..... for the State

Apprehending arrest in connection with Balurghat Police Station Case No.318 of 2019 dated 29.05.2019 under Sections 21(C)/22(C)/23(C)/25/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act the present application has been preferred.

Mr. Chaudhuri, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated and there had been no recovery of contraband substance from his possession. Upon completion of investigation chargesheet has also been submitted and as such there is no necessity towards custodial interrogation.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioner's prayer.

As there had been no recovery of contraband substance from the possession of the petitioner and as his name has transpired on the basis of the statement of a co-accused before a police officer, which is inadmissible evidence, we are of the

opinion that the provisions of Section 37 of the N.D.P.S. Act are not attracted.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Prabir Mondal @ Bulan @ Prabir** shall be released on anticipatory 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 and on further condition that the petitioner shall not leave the jurisdiction of Balurghat Police Station until further orders.

Accordingly, the application for anticipatory bail being CRM No.1096 of 2021, is disposed of.

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

(Bibek Chaudhuri, J.)

(Tapabrata Chakraborty, J.)