

05.08.2021

Court No.28
Item No.301
(Allowed)

Akd
&
As

CRM 1382 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 Balurghat Police Station Case No. 248 of 2020 dated 17.07.2020 under Sections 21(c)/22(c)/23(c)/25/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act (Special Case No. 44 of 2020);

And

In the matter of : **Subir Dey @ Subir Deb @ Rocket @ De**
...Petitioner

Ms. Busra Khatoon.

...For the Petitioner

Mr. Madhusudan Sur,
Mr. Dipankar Pramanick.

...For the State.

Apprehending arrest in connection with Balurghat Police Station Case No. 248 of 2020 under Sections 21(c)/22(c)/23(c)/25/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act, the petitioner has filed the instant application for anticipatory bail.

It is submitted that the petitioner has been implicated in connection with aforesaid case solely on the basis of the statement of the co-accused. The contraband was not recovered from his exclusive possession.

Since the statement of the co-accused made before the police is inadmissible in evidence, at this stage we thus find that the petitioner has been able to make out a case taking exception of Section 37 of the N.D.P.S. Act.

The prayer for anticipatory bail is thus allowed.

Accordingly, 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 of the concerned police station and on conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The application for anticipatory bail, being CRM 1382 of 2021 is thus **disposed of**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)