

DI. May 20,
57. 2021

C.R.M. 1674 of 2021

In the matter of : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on February 9, 2021 in connection with Hogolberia Police Station Case No. 211 of 2015 dated December 22, 2015 under Sections 21/22/23 of the Narcotic Drugs and Psychotropic Substances Act;

And

In the matter of : Hazarat Mondal ...petitioner.
Versus
State of West Bengal ...opposite party.

Mr. Prabir Majumder,
...for the petitioner.

Mr. Rana Mukherjee,
Ms. Faria Hossain,
Mr. Pratik Bose,
...for the State.

We have heard the learned advocates appearing for the parties.

Having considered the materials on record and bearing in mind the nature and extent of complicity of the petitioner in the alleged crime and as no narcotic substances was recovered from the possession of the petitioner and the complicity of the petitioner has transpired from the statement of a co-accused person before a police officer which is inadmissible in evidence, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the Narcotic Drugs and Psychotropic Substances Act and he may be granted anticipatory bail.

Under such circumstances, we direct that in the event of arrest of the petitioner, namely, **Hazarat Mondal**, he shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand) only with two sureties of like amount, one of whom must be local, to the satisfaction of the arresting officer,

subject to the conditions as laid down in sub-section (2) of Section 438 of the Code of Criminal Procedure.

The application for anticipatory bail is, thus, **allowed**.

dns

(**Suvra Ghosh, J.)**

(**Soumen Sen, J.)**