

05.08.2021

(Via Video Conference)

Court No.28
Item No.327
(ALLOWED)

CRM 1835 of 2021

Ab

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 12.02.2021 in connection with Tapan Police Station Case No. 179 of 2020 dated 10.06.2020 under Sections 21(c)/22(c)/23(c)/27A of the Narcotic Drugs and Psychotropic Substances Act (Special Case No. 35 of 2020);

And

In the matter of : **Masud Mondal @ Mandal.**

...Petitioner

Ms. Busra Khatoon.

...For the Petitioner

**Mr. Swapan Banerjee,
Mr. Suman De**

... For the State

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with Tapan Police Station Case No. 179 of 2020 under Sections 21(c)/22(c)/23(c)/27A of the Narcotic Drugs and Psychotropic Substances Act, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

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 1835 of 2021 is thus **disposed of**.

(Harish Tandon, J)

(Bibek Chaudhuri,J.)