

09.02.2021
Court No.28
Item No. 106
Krishnendu
ALLOWED

C.R.M. 2831 of 2020

(Via video Conference)

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

And

In re: **Hamidur Mandal alias Hamidur Molla alias Panchu & Anr.**
.....Petitioners

Ms. Busra Khatun

....For the Petitioners

Mr. Anwar Hossain

Ms. Sreyashee Biswas

.....For the State

Apprehending arrest in connection with Tapan Police Station Case No. 58 of 2020 dated 16.02.2020 under sections 21(c)/22(c)/23(c)/27A of the Narcotic Drugs and Psychotropic Substances Act, 1985, the petitioners have filed the present application.

Heard the learned advocates appearing for the respective parties.

Records reveal that recovery of contraband substance was from one Motiur Rahman. The names of the petitioners have transpired on the basis of the statement of a co-accused, which is inadmissible in evidence and in view thereof, we are of the opinion that the petitioners have been able to overcome the rigors of section 37 of the N.D.P.S. Act. As such, the prayer for anticipatory bail of the petitioners is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Hamidur Mandal alias Hamidur Molla alias Panchu and Mainur Sarkar**, shall be released on 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.

The application for anticipatory bail, being CRM No. 2831 of 2020, is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)