

09.02.2021
Court No.28
Item No. 107
Krishnendu
Partly Allowed

C.R.M. 2832 of 2020

(Via video Conference)

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

And

In re: **Harun Ur Rashid & Ors.**

.....Petitioners

Ms. Busra Khatun

....For the Petitioners

Mr. Antariksha Basu

.....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.

This Court has been informed that the petitioner no.1, **Harun Ur Rashid**, has already been arrested. In view thereof, the application, so far as the petitioner no. 1, **Harun Ur Rashid**, is concerned, is dismissed.

Records reveal that recovery of contraband substance was from one Motiur Rahman. The names of the petitioner nos. 2 to 5 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 petitioner nos. 2 to 5 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 petitioner nos. 2 to 5 is allowed.

Accordingly, we direct that in the event of arrest the petitioner nos. 2 to 5, namely, **Najimul Hak, Majidur Rahaman alias Bodaru Bari, Pintu Mia and Abdul Mohaimen**, 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. 2832 of 2020, is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)