

19.05.2021
SL No.4
Court No.28
(gc)

CRM 2850 of 2020
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Jalangi Police Station Case No.747/2019 dated 03.11.2019 under Sections 20(b)(ii)(c)/29 of the N.D.P.S. Act.

And

In the matter of : **Hannan Sk @ Hanan Sk.**

- Petitioner

Mr. Tapodip Gupta

... For the Petitioner.

Mr. Prasun Kr. Datta,

... For the State.

Heard the learned Advocate appearing for both the parties.

It is submitted on behalf of the petitioner that no narcotic substance was recovered from his possession and he has been implicated on the basis of a statement of another accused person.

Learned Advocate appearing for the State produces the case diary and opposes the prayer for anticipatory bail.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner and his complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Under such circumstances, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. Hence, we are inclined in granting anticipatory bail to the petitioner.

We have also considered the order passed by a Coordinate Bench in **CRM 499 of 2020 (In Re: Hasibul Islam @ Babu Sk. & Anr.) dated 15th January, 2020** where on similar facts anticipatory bail has been granted to the petitioners.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Hannan Sk @ Hanan Sk.**, 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 and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is also directed that the petitioner shall meet the Investigating Officer of the case once in a week until further orders and shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail, being CRM No.2850 of 2020 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Suvra Ghosh, J.)

(Soumen Sen, J.)