

13.12.2021

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Allowed

**C.R.M. 3782 of 2021
(via video conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 1129 of 2020 dated 03.11.2020 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Subash Mondal @ Subhash Mandal petitioner

Mr. Tapodip Gupta

.....for the petitioner

Mr. S. S. Imam

Mr. Subrato Roy

....for the State

Learned advocate appearing for the petitioner submits no narcotic substance was recovered from the possession of the petitioner.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner. His complicity has transpired from the statements of the co-accused persons before police officer which is inadmissible in evidence.

Under such circumstances, we are of the opinion that petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. As investigation is complete custodial interrogation of the petitioner is not necessary.

Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further conditions that the petitioner shall appear before the court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)