

13.12.2021
ct 28
cm/suvayan
sl no. 116

C.R.M. 5048 of 2021

In Re : An application for Anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Suti P.S Case No. 221 of 2020 dated 30.05.2020 under Sections 21(c)/29 of the Narcotic Drugs & Psychotropic Substances Act.

And

Allowed

In Re : Fitu Mahaldar @ Fitu Mahalder

..... petitioner

Mr. Krishnendu Bhattacharya
Mr. Priyankar Ganguly

..... for the petitioner

Mr. Saryati Datta

..... for the State

It is contended no narcotic substance has been recovered from the possession of the petitioner.

Learned lawyer for the State opposes the prayer for bail.

Having considered materials on record and bearing in mind the extent of complicity of the petitioner in the alleged crime in the light of the submission that no narcotic substance was recovered from his possession and as his complicity in the alleged offence has transpired from the statement of co-accused before a police officer which is inadmissible in evidence, we are of the opinion that petitioner has been able to rebut the statutory restrictions under section 37 of the NDPS Act may be granted pre-arrest bail.

Accordingly, we direct that 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, 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.

Petitioner shall appear before the court below and pray for regular bail within two weeks from date.

The application being CRM 5048 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)