

Court No.
28
Item 122
ssi

16.12.
2021

C.R.M. 6729 of 2021

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Hili Police Station case no. 14 of 2021 dated 28.01. 2021 under Sections 411/414/186/188/353/34 of the Indian Penal Code read with Section 21 (c)/22 (c)/23 (c) / 27A/20 (b) (ii) (c) of the NDPS ACt.

In Re: Mintu Barman @ Mintu Mandal.

....petitioner

Ms. Busra Khatoon
....for the petitioner
Mr. Sudip Ghosh
Mr. Apurba Kr. Datta
...for the State

It is submitted on behalf of the petitioner that no narcotic substance was recovered from his possession.

Learned lawyer for the State opposes the prayer for bail.

Having considered the materials on record and bearing in mind the nature of allegations in the light of the submission that no narcotic substance was recovered from his possession and as complicity of the petitioner has transpired from the statement of co-accused before police officer which is inadmissible in evidence, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and may be granted anticipatory 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 subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, 1973 and shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)