

17.12.2021
Sl. No.80
akd
[ALLOWED]

C. R. M. 8081 of 2021

[via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 26.11.2021 in connection with Hili Police Station Case No. 193 of 2021 dated 29.08.2021 under Sections 20(b)(ii)/21(c)/22(c)/23(c)/27A of the NDPS Act.

And

In Re: **Anwar Mondal @ Anoyar Mondal**

... .. Petitioner

Ms. Busra Khatoon

... .. for the petitioner

Mr. Tapandeb Nandy
Mr. Antarikhya Basu

... .. for the State

It is submitted on behalf of the petitioner that no narcotic substance was recovered from his possession. It is further submitted that co-accused namely, Raju Malo @ Sanjay Sarkar has been granted pre-arrest bail by this court.

Learned advocate appearing for the State 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. Co-accused namely, Raju Malo @ Sanjoy Sarkar has been granted pre-arrest bail by this court. 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 to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely **Anwar Mondal @ Anoyar Mondal**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner 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.)