

11.03.2021

Item No.20

Ct.No.28

dc.

Allowed

C.R.M. 10859 of 2020

(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And

In Re : **Momin Mondal @ Momenul Mondal**
... Petitioner.

Ms. Minoti Gomes
... For the Petitioner.

Mr. Ranadeb Sengupta
... For the State.

Apprehending arrest in connection with Jalangi P.S. Case No. 416 of 2020 dated 04.12.2020 (NDPS Case No. 267/2020) under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, the present application has been preferred.

Ms. Gomes, learned advocate appearing for the petitioner submits that the petitioner has been implicated in the instant case on the basis of statement of one Surman Molla from whom recovery was effected.

Mr. Sengupta, learned advocate appearing for the State submits that 236 bottles of phensedyl were recovered in this case. However, he is unable to rebut the contention of the learned advocate for the petitioner that the petitioner has

been implicated on the basis of statement of the said accused person.

In view of the fact that the petitioner has been implicated on the basis of statement of the said accused person which is inadmissible in evidence, we are of the opinion that Section 37 of the N.D.P.S. Act is not attracted and as such, the petitioner is entitled to the benefit of anticipatory bail.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioner, namely, **Momin Mondal @ Momenul Mondal** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 and on further condition that the petitioner shall meet with the Investigating Officer of the case once a week on and from 18th March, 2021 until further orders.

The application for anticipatory bail, being CRM 10859 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.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)