

12.03.2021
Item No.05
Ct.No.28
Subha
Allowed

C.R.M. 10940 of 2020
(Via Video Conference)

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

In the matter of : **Samsul Alam Sarkar @ Alam**
.. Petitioner.

Ms. Busra Khatoon
..... For the Petitioner.

Mr. Sanjoy Bardhan
Mr. Saryati Dutta
... For the State.

Apprehending arrest in connection with Kumarganj Police Station Case No. 153 of 2020 dated 22-09-2020 under Sections 21(C)/22(C)/23(C)/27A of the Narcotic Drugs and Psychotropic Substances Act, 1985, the present application has been filed.

Ms. Khatoon, learned advocate appearing for the petitioner submits that the petitioner is innocent of the charges and he has been falsely implicated in the instant case on the basis of the statement of the co-accused.

Mr. Bardhan, learned advocate appearing for the State opposes the prayer for anticipatory bail and submits

that 100 bottles of phensedyl were recovered from the possession of the present petitioner in the instant case.

He further submits that the previous criminal antecedent shows that he was earlier arrested with another case under the Narcotic Drugs and Psychotropic Substances Act, 1985.

Having regard to the fact that the petitioner has been implicated in the instant case on the basis of the statements of the co-accused which are inadmissible in evidence and as there is no recovery from the possession of the petitioner, we are of the opinion, that the petitioner has been able to overcome the rigors of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and as such, bail prayer of the present petitioner is allowed.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioner, namely, **Samsul Alam Sarkar @ Alam** 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 learned Special Judge under the N.D.P.S Act, Balurghat, Dakshin Dinajpur and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM 10940 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.)