

12.03.2021
Item No.06
Ct.No.28
Subha
Allowed

C.R.M. 10946 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 : **Bisho Barman @ Biswarup Barman & Ors.**
.. Petitioners.

Ms. Busra Khatoon
..... For the Petitioners.

Mr. Sanjoy Bardhan
Mr. Palash Chandra Majhi
... For the State.

Apprehending arrest in connection with Tapan Police Station Case No. 116 of 2020 dated 25-04-2020 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 petitioners are innocent of the charges and they have 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 and seized in the instant case, however, he is unable to rebut the contention that the petitioners have been implicated on the basis of statement of co-accused.

Having regard to the fact that the petitioners have 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 petitioners, 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 petitioners is allowed.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioners namely, **1. Bisho Barman @ Biswarup Barman** **2. Dulal Barman** **3. Chootu Mondal @ Rejaul Mandal** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each 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 10946 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.)