

11.03.2021

CRM 10981 of 2020

Court No.02
Item No.106
(ALLOWED)

akd

In Re:- An application for bail under section 438 of the Code of Criminal Procedure filed on 17.12.2020 in connection with Hili Police Station Case No. 145/2020, dated 19.11.2020 under Sections 21 (c)/22 (c)/23 (c)/27A/20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act (Special Case No. 84 of 2020).

And

In the matter of : **Aminur Islam Mandal @ Aminul Mondal**
...Petitioner

Mr. Kaushik Choudhury,
Ms. Busra Khatoon.

...For the Petitioner

Mr. Sanjay Bardhan,
Ms. Manisha Sharma.

...For the State.

Apprehending arrest in connection with Hili Police Station Case No. 145/2020 under Sections 21 (c)/22 (c)/23 (c)/27A/20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, the petitioner has filed the instant application for anticipatory bail.

It is submitted by the learned Advocate appearing for the petitioner that he has been wrongly implicated in the instant case. It is further submitted that no recovery of contraband was made from the possession of the petitioner and, therefore, he is entitled to anticipatory bail.

On the other hand, the learned Advocate for the State opposes the prayer for anticipatory bail. It is admitted that no recovery was made from the petitioner of the contraband seized from the possession of other co-accused. It is further submitted that on the basis of the statements of the co-accused, the aforesaid criminal case has been initiated against the petitioner and the investigation is in progress.

In view of the submissions so advanced by the respective parties and the fact that there was no recovery of contraband from the possession of the petitioner and he is only implicated on the basis of the statements of the co-accused, we find that it is a fit case where the petitioner is entitled to get the privilege of anticipatory bail.

In the event of arrest the petitioner shall be released on bail on furnishing a bond of Rs.10,000/- with two sureties of like amount, one of whom must be local, to the satisfaction of the arresting officer of the concerned police station with condition that the petitioner shall co-operate with the Investigating Officer during investigation and shall make himself personally available as and when called for and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The application for anticipatory bail, being CRM 10981 of 2020, is thus **allowed**.

(Harish Tandon, J)

(Kausik Chanda, J.)